

The Department of Food and Agriculture, Meat and Poultry Inspection Branch, hereby makes the following changes to Title 3, of the California Code of Regulations:

1) Amend section 1200 of Article 1, Subchapter 1, Chapter 5, Division 2 of Title 3 of the California Code of Regulations, to read as follows:

Article 1. Definitions

Section 1200. Definitions.

(a) As used in this subchapter, unless otherwise required by the context, the singular form shall also import the plural and the masculine form shall also import the feminine, and vice versa. For the purpose of these regulations the following words, phrases, names, and terms shall be construed respectively to mean:

(1) Ante-mortem Inspection. Examination of live poultry before slaughter to detect conditions that might render the poultry unwholesome.

(2) "Area Supervisor" means an official employed by the Department in charge of a specified geographical region in California.

~~(a)~~ (3) Bureau Branch. The Bureau of Meat and Poultry Inspection Branch of the California Department of Food and Agriculture.

~~(b)~~ (4) Bureau Branch Employee. An employee of the Bureau of Meat Inspection and Poultry Inspection Branch, of the Department of Food and Agriculture, who is authorized by the chief of the bureau Branch to do any work or perform any duty in connection with plant sanitation or poultry meat inspection.

(5) "California Condemned" means that the poultry so identified has been inspected by an inspector and found to be in a dying condition, or to be affected with any other condition or disease that would require condemnation of its carcass or its affected parts.

(6) "California Inspected and Passed" means that the poultry product so identified has been inspected by an inspector and passed under the regulations in this subchapter, and at the time it was inspected, passed, and identified, it was found to be not adulterated.

(7) "California Rejected/Retained" means the State of California Rejected/Retained tag that the compartment, room, utensil, or piece of equipment so identified is unacceptable for use in the official establishment and cannot be used until the condition that renders it unacceptable is corrected and it has been reexamined and released by an inspector. This is accomplished by applying a red or green State of California Rejected tag to the

compartment, room, utensil, or piece of equipment. The compartment, room, utensil, or piece of equipment is released by removal of the California Rejected tag.

(8) "California Suspect" means that the poultry so identified by an inspector is suspected of being affected with a disease or condition which may require its condemnation, in whole or in part, when slaughtered, and is subject to further examination by a program employee to determine its disposal.

~~(e)~~ (9) Condition. Any ~~condition~~ state, including, but not being limited to, the state of preservation, cleanliness, or soundness of any product; or any ~~condition~~ circumstance, including but not limited to, the processing, handling, or packaging ~~which~~ that affects such product.

~~(d)~~ (10) Department. The California Department of Food and Agriculture.

~~(e)~~ (11) Dressed Poultry. Poultry ~~which~~ that has been slaughtered for human food with head, feet, and viscera intact and from which the blood and feathers have been removed.

~~(f)~~ (12) Edible Poultry By-products. Any giblets or any edible part of dressed poultry other than eviscerated poultry.

~~(g)~~ (13) Free From Protruding Pinfeathers and Hair. Pinfeathers and vestigial feathers (hair or down as the case may be) have been removed so that the carcass is free from protruding pinfeathers and vestigial feathers ~~which~~ that are visible to an ~~poultry meat~~ inspector or bureau employee during an examination of the carcass ~~at normal operating speed~~. However, a carcass may be considered as free from protruding pinfeathers or vestigial feathers if it has a generally clean appearance (especially on the breast) and if not more than an occasional protruding pinfeather is in evidence during a more careful examination of the carcass.

~~(h)~~ (14) Giblets. The liver from which the bile sac has been removed, the heart from which the pericardial sac has been removed and the gizzard from which the lining and contents have been removed: provided, that each such organ has been properly trimmed and washed.

~~(i)~~ (15) Immediate Container, or True Container. The unit, can, pot, tin, or other receptacle or covering in which any poultry meat or product is customarily packed or shipped.

~~(j) Inspected and Condemned, or Any Authorized Abbreviation Thereof. That the poultry carcasses, parts of carcasses, poultry meat products or poultry meat food products so designated have been inspected by an poultry meat inspector or bureau employee and found to be unsound, unhealthful, unwholesome, or otherwise unfit for human food.~~

~~(k)~~ (16) Inspected for Wholesomeness Under Supervision of the California Department of Food and Agriculture, California Inspected and Passed, or Any Authorized Abbreviation Thereof. That the poultry or poultry meat products, or poultry meat food products so marked have been inspected under these regulations, and that at the time they were inspected and so marked they were free from:

~~(4)~~ (A) Physical evidence of disease injurious to human health;

~~(2)~~ (B) Pathological conditions ~~which~~ that have rendered or would render the poultry meat unsuited for human food;

~~(3)~~ (C) Serious destruction of the flesh by disease or injury; or

~~(4)~~ (D) Contamination by any substance injurious to human health.

~~(l)~~ (17) Inspection Mark. A mark or statement, authorized by these regulations, on a product or on the container of a product, indicating that the product has been inspected for wholesomeness by an inspector.

~~(m)~~ (18) Inspector. ~~Poultry Meat Inspector who has been issued a valid license by the Director to inspect poultry meat for wholesomeness.~~ A Department employee employed as a Veterinary Medical Officer, Meat Food Inspector, Supervising Meat Food Inspector, or Chief or an industry-employed and Department-licensed Poultry Meat Inspector.

(19) Label. This term applies to any display of written, printed, or graphic matter upon any article or any of its containers or wrappers, or accompanying such article.

(20) Major Reconstruction. Major reconstruction shall be construction other than that associated with normal or routine maintenance activities.

(21) Mislabel. Means the placing, or presence of any false, deceptive, or misleading mark, tag, brand, design, inscription, statement, billing, invoice, placard sign, or other descriptive designation.

~~(n)~~ (22) Official Plant or Establishment. Any premises licensed by the ~~d~~Department where poultry is slaughtered or otherwise prepared for food purposes, ~~cannery, factory or similar place,~~ and where state inspection is maintained under these regulations.

~~(e)~~ (23) Potable Water. Water that is free from disease producing organisms and injurious chemicals. It does not possess obnoxious tastes or odors, and is not turbid or colored to a degree that it is rendered repugnant to the consumer. Standards of tests to be used in determining potability shall be the same as the standards of the ~~State Department of Public Health Services~~ National Primary Drinking Water Standards, 40 CFR Part 141, sections 141.1, 141.2, 141.3, 141.4, 141.5, 141.6, 141.11, 141.13, 141.21, 141.22 and 141.23 (2007), which are incorporated by reference.

~~(p)~~ (24) Poultry. Domestic fowl and domesticated rabbit to be used for human food. "Fowl" includes chickens, turkeys, ducks, geese, guineas, squab, quail, pheasant, ratites, and other domesticated birds.

~~(q)~~ (25) Poultry Meat Food Product. Any article of food, or any article intended or capable of being used as human food ~~which~~ that is derived or prepared, in whole or in substantial and definite part from any portion of poultry.

(26) Producer. means a person that is engaged in the business of growing any poultry, which is marketed as poultry meat, for a period of three weeks or more for the purpose of increasing the size and weight of such poultry.

~~(r)~~ (27) Product. Dressed poultry, ready-to-cook poultry, edible poultry by-product and poultry meat food product.

~~(s)~~ (28) Ready-to-Cook Domestic Rabbits. Any domestic rabbit ~~which~~ that has been slaughtered for human food, from which the head, blood, skin, feet, and inedible viscera ~~has~~ have been removed, that is ready to cook without need of further processing, or any cut-up or disjointed portion of such domestic rabbit.

~~(t)~~ (29) Ready-to-Cook Poultry. Any dressed poultry ~~which~~ that is free from protruding defeathers, vestigial feathers (hair or down as the case may be), and from which the head, shanks, crop, preen gland, trachea, esophagus, entrails, reproductive organs and lungs have been removed, and with or without the giblets, is ready to cook without need of further processing. Ready-to-cook poultry also means any cut-up or disjointed portion of poultry prepared as described in this paragraph.

~~(u)~~ (30) Regulations or These Regulations. Regulations contained in Subchapter 5 1, Chapter 2 5, Title 3, of the California ~~Administrative Code~~ of Regulations.

~~(v)~~ (31) Retained for Further Inspection. That each carcass, including all parts

thereof so marked or identified, is held for further examination by an inspector or bureau Department employee to determine its ~~disposal~~ disposition.

~~(w) (32) Shipping Container, or Outside Container.~~ The box, bag, barrel, crate, or other receptacle or covering inclosing any product packed in one or more immediate or true containers.

~~(x) (33) Soundness.~~ Freedom from external evidence of any disease or condition ~~which~~ that may render a carcass unfit for food.

~~(y) Major Reconstruction. Major reconstruction shall be construction other than that associated with normal or routine maintenance activities.~~

(34) "Wholesome" means any poultry meat food product fit for human consumption.

(35) For purposes of section 24713, Food and Agricultural Code, the term "immediate family" means producers, their spouses, children, brothers, sisters and parents. Other relatives of the producers by blood and by law, will be considered as qualifying if they reside on the same property as the poultry operation or property that is contiguous to that property.

NOTE: Authority cited for ~~Subchapter 5~~: Sections 407, 24561, 24562, 24681 and 24991, Food and Agricultural Code. Reference: Sections ~~24651-25151~~, 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660, 24661, 24713, 24961, 24963, 25023 and 25703, Food and Agricultural Code; 40 CFR Part 141 (2007).

2) Amend section 1201 of Article 2, Subchapter 1, Chapter 5, Division 2 of Title 3 of the California Code of Regulations, to read as follows:

Article 2. Applicability of Regulations

Section 1201. Applicability of Regulations.

Unless inapplicable, the provisions of these regulations shall apply equally to domesticated fowl and domesticated rabbit used for human food.

NOTE: Authority cited: Sections 407, 24561, 24562, 24657, 24681 and 24991, Food and Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660, 24661, Food and Agricultural Code.

3) Amend section 1202 of Article 3, Subchapter 1, Chapter 5, Division 2 of Title 3 of the California Code of Regulations, to read as follows:

Article 3. Scope of Inspection

Section 1202. Scope of Inspection.

(a) Every poultry plant in which poultry is slaughtered, dressed, or drawn, or in which poultry meat, poultry meat by-products, or poultry meat food products of, or derived from poultry, is wholly or in part cut up, re-cut, packed or repacked, canned, cooked, cured, smoked, salted, rendered, or otherwise prepared, ~~which~~ that are capable of being used as food for man, shall have inspection under these regulations as provided by Division 3 12, Chapter 1 (section 24501 et seq.) Chapter 2 (section 24651 et seq.) and Chapter 3 (section 24951 et seq.), ~~Chapters 3, Articles 1 and 2 of the~~ Food and Agricultural Code.

(b) All poultry and all poultry meat, and products entering a plant at which inspection is required by these regulations, and all products prepared, in whole or in part, therein, shall be inspected, handled, prepared, marked and labeled as required by these regulations.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660, 24661, Food and Agricultural Code; Division 12, Chapter 1, Chapter 2 and Chapter 3.

4) Repeal section 1203 and the heading of Article 4 of Subchapter 1, Chapter 5, Division 2 of Title 3 of the California Code of Regulations, to read as follows:

~~Article 4. Organization of Force~~

~~Section 1203. Appointments: Promotions.~~

~~Poultry inspection is conducted under the direction of the Director of Agriculture through the Bureau of Meat Inspection. All permanent bureau employees engaged in the work of poultry meat inspection and poultry plant sanitation inspection are appointed upon certification of the State Personnel Board that they have passed the examination prescribed by that board. Promotions are made on the basis of efficiency, deportment, and length of service.~~

5) Amend sections 1204 and 1205, and adopt new Article 4 of Subchapter 1, Chapter 5, Division 2 of Title 3 of the California Code of Regulations, to read as follows:

Article 5 4. Application for Poultry Plant License

Section 1204. Licensing: Poultry Plant.

(a) The ~~director~~ Department may disapprove application for initial license if it is determined after inspection that the plant facilities or procedures are of an insanitary nature. The ~~director~~ Department may also disapprove application for initial license if the plant involved has been construction without prior approval of plans and does not conform with these regulations.

(b) The application for license, accompanied by the fee of \$40 prescribed by law, shall be remitted by cash, check or money order, and shall be mailed, paid or delivered to: Cashier, ~~State~~ The Department of Food and Agriculture, 1220 N Street, Sacramento, California 95814, ~~California~~.

(c) In cases of change of ownership or change of location, a new application and fee shall be submitted. Any such change in ownership or location of a poultry plant shall subject the plant's facilities, equipment, and procedures to reassessment by the Department to determine the plant's ability to produce wholesome product. Such reassessment shall be equivalent to that required by the Department for a new, proposed poultry plant.

(d) The form, MPI Form 79-003A (Rev. 12/04), Poultry Plant License Application, which is incorporated by reference, used for making application shall be provided by the ~~Director of Agriculture~~ Department.

(e) In cases of intent to remodel an existing building into a poultry establishment or change of ownership or change of location of an existing poultry establishment, the applicant shall request, complete, and submit MPI Form 79-025 (Rev. 12/04), Request for Survey for Meat and Poultry Inspection, which is incorporated by reference, to the Department.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code.

Section 1205. Approval: Plans, Information to Be Furnished, Subsidiary Plants. Notice of Approval and Granting of License.

(a) Triplicate copies of complete plans, not necessarily blueprints, with specifications, consisting of floor plans showing the locations of such features as the principal pieces of equipment, route of edible products and inedible viscera, floor drains, principal drainage lines, hand washing basins, and hose connections for cleanup purposes; roof plans; elevations: cross and longitudinal sections of the various buildings, showing such features as principal pieces of equipment, heights of ceilings, conveyor rails, and character of floors and ceilings; and a plot plan showing such features as the limits of the plant's premises, locations in outline of buildings on the premises, cardinal points of the compass and roadways and railroads serving the plant, properly drawn to scale, shall be submitted for any intended new construction or major reconstruction.

(b) Each applicant for a license to operate a poultry establishment shall submit, along with the plans described in subsection (a) of this section, a completed MPI Form 79-039 (Est. 4/05), General Facility Notes, which is incorporated by reference.

~~(c) The source of water, and official results of test for potability by the State Department of Public Health, or from an agency or laboratory approved by the State Department of Public Health, or laboratory of the department shall be submitted. The source of water shall be made available to a Department employee, upon request, and a water report issued under the authority of the State and local health agency, certifying or attesting to the potability of the water supply, in compliance with 9 CFR section 416.2(g), which is incorporated by reference.~~

(d) Persons intending new construction or major reconstruction may request information from the ~~Bureau of Meat Inspection~~ Department of Food and Agriculture, Meat and Poultry Inspection Branch, 1220 "N" Street, Sacramento, California 95814, concerning the requirements before submitting plans. Upon request, the Department shall provide the Poultry Plant Establishment Plan Guidelines (Rev. 5/05) and the Poultry Plant Construction and Equipment Guidelines (Rev. 5/05), which are incorporated by reference.

~~(b)~~ (e) Each application shall specify the names, addresses, and forms of organization of subsidiaries for which a license is requested to do any business described in ~~§~~section 1202.

~~(c)~~ (f) Notice in writing shall be given to each applicant granted approval and license, specifying the plant to which the same applies.

(g) Each applicant shall provide written acknowledgement to the Department, such as a use permit, from the local zoning authority that shows such authority is aware of and approves the operation of a poultry plant at the proposed location.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code; 9 CFR section 416.2(g) (2007).

6) Amend sections 1206, 1207 and 1208, and renumber Article 6 to read Article 5, of Subchapter 1, Chapter 5, Division 2 of Title 3 of the California Code of Regulations, to read as follows:

Article 6 5. Official Numbers and Compliance with Regulations

Section 1206. Official Numbers: Subsidiary Plants.

(a) To each plant granted a license an official number shall be assigned. Such number shall be used to identify all poultry meat and products prepared in the plant. More than one number shall not be assigned to a plant.

(b) Two or more official plants under the same ownership or control may be granted the same official number, provided a serial letter is added in each case to identify each plant and the products thereof.

(c) No poultry meat or products shall be handled or prepared in an official plant or official establishment or a subsidiary of the proprietor or operator, nor shall any article handled or prepared therein be sold by or in the name of subsidiary of the proprietor or operator, unless such subsidiary is named in an application of the plant, for approval and license, and is granted license in such plant, under these regulations.

(d) Each official plant or establishment shall be separate and distinct from any non-licensed plant in which any product is handled, and from any other non-licensed plant or establishment at the direction of the ~~chief of the bureau~~ Department.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code.

Section 1207. Drawings and Specifications to be ~~Furnished~~ Submitted in Advance of Construction.

Triplicate copies of drawings and specifications complete as contemplated in ~~Section~~ 1205 of these regulations for major reconstruction of official ~~plants~~ establishment and for new structures shall be submitted to the ~~Bureau of Meat Inspection~~ California Department of Food and Agriculture, 1220 "N" Street, Sacramento, California 95814 and approval obtained for the plans in advance of construction.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code.

Section 1208 . Compliance with Regulations.

(a) Each licensed plant shall adopt and enforce all measures necessary for carrying out the purposes of these regulations as the ~~chief of the bureau~~ Department may prescribe.

(b) For the purpose of any examination or inspection necessary to enforce any of the provisions of these regulations, ~~bureau~~ Department employees shall have right of access at all times, by day or night, whether the plant is operating or not, to every part of any official plant under their jurisdiction.

(c) No person shall resist, intimidate, delay, obstruct, hamper, abuse, or interfere with any ~~bureau~~ Department employee in the discharge, or attempt to discharge any duty of his office, nor shall any person attempt by means of any bribe, threat, or violence to deter or prevent any ~~bureau~~ Department employee from performing his duty.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code.

7) Add new sections 1209 and 1209.1, and amend Article 7 to read Article 6, of Subchapter 1, Chapter 5, Division 2 of Title 3 of the California Code of Regulations, to read as follows:

Article ~~7~~ 6. Buildings and Plant Facilities

Section 1209. ~~Construction of Buildings~~ Facilities for Department Inspectors.

Office space, including desk space, a file drawer or cabinet, a chair, light, and heat shall be provided by official establishments, rent free, for the use of the inspector and other Department employees while conducting official business. The space set aside for this purpose shall meet with approval of the area supervisor.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code.

Section 1209.1. Other Facilities and Conditions Provided by Official Establishments.

(a) When required by the area supervisor, the following facilities and conditions, and such others as may be found to be essential to the conduct of inspection and maintenance of sanitary conditions, shall be provided by each official establishment:

(1) Lighting of good quality and intensity in order to conduct inspections;

(2) All rooms in which poultry are killed, eviscerated, or otherwise processed shall have at least 30 foot candles of illumination on all working surfaces,

(3) Illumination at inspection surfaces shall be at least 50 foot candles, and

(4) All other rooms shall have at least 5 foot candles of illumination when measured at a distance of 30 inches from the floor;

(5) Tables, benches, and other equipment on which inspection is to be performed, of such design, material, and construction as to enable inspectors to conduct their inspection in an efficient and clean manner;

(6) Watertight trucks or receptacles for holding and handling diseased carcasses and parts, so constructed as to be readily cleaned; such trucks or receptacles shall have the phrase "Condemned" in letters not less than 2 inches high, and, when required by the area supervisor, to be equipped with facilities for locking or sealing;

(7) A hand wash lavatory (other than one which is hand operated) furnished with soap, disposable single-use towels, a proper waste receptacle, and hot and cold water, and located adjacent to the inspector's work area;

(8) Liquid soap, cleansers, sanitizers, and hot water for cleansing and disinfecting hands and for sterilizing all implements used in dressing diseased carcasses, floors, and such other articles and places as may be contaminated by diseased carcasses or otherwise; and

(9) Facilities, including denaturing materials, for the disposal of condemned articles in accordance with the regulations in this subchapter.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and

Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code.

8) Repeal sections 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218 and 1219 of Subchapter 1, Chapter 5, of Title 3 of the California Code of Regulations, to read as follows:

~~Section 1210. Construction and Use of Poultry Processing Plants.~~

~~General Requirements.~~

~~(a) Construction requirements for poultry processing plants, including requirements for separate rooms for processing operations, are provided in Title 24, California Administrative Code, Section T3-901 et seq., and related provisions.~~

~~(b) The plant shall be operated in accordance with the plan design for facility use, unless specific permission for deviation is obtained from the director.~~

~~(c) The plant shall be maintained in a sanitary manner and all operations shall be performed in a sanitary manner. Specific use and sanitation requirements include the following:~~

~~(1) Live poultry and edible product shall not be held or slaughtered in any room where inedible product is held. Rooms and compartments in which any poultry, meat, or product is prepared or handled shall be kept free from dust and odors from dressing toilet rooms; catch basins; pelt rooms; inedible tank and fertilizer rooms; and holding, feeding, and receiving rooms.~~

~~(2) The following two operations shall be conducted only within separate rooms conforming with plant construction requirements: killing, scalding, roughing, finishing, pinning and/or skinning operations; and pinning, finishing, chilling and packing operations for dressed poultry.~~

~~(3) Final pinning of dressed poultry and chilling and packaging of edible products may not be performed in the eviscerating room.~~

~~(4) Separate rooms, or other adequate facilities suitable to the operations, shall be maintained in eviscerating plants and in other plants where accumulation of refuse occurs. In no case shall receiving or feeding of live fowl be permitted in rooms in which eviscerating operations are performed.~~

~~NOTE: Authority cited: Sections 407, 24561, 24562 and 24681, Food and Agricultural Code. Reference: Sections 24749, 24771 and 24772, Food and Agricultural Code.~~

~~Section 1211. Floors, Walls, Ceilings, Etc.~~

~~(a) The floors, walls, and ceilings in a poultry plant shall be constructed in accordance with standards prescribed in Section T3-903 and related sections of Title 24, California Administrative Code.~~

~~(b) Poultry plants shall be operated and maintained in a manner to keep floors, walls, and ceilings and other parts of all compartments in good repair and susceptible of being readily and thoroughly cleaned.~~

~~NOTE: Authority cited: Sections 407, 24561, 24562 and 24681, Food and Agricultural Code. Reference: Sections 24749, 24771 and 24772, Food and Agricultural Code.~~

~~Section 1212. Blood Disposal.~~

~~(a) Adequate facilities shall be provided for the disposal of blood in a sanitary manner.~~

~~(b) When bleeding troughs are used they shall be long enough to catch the blood during the bleeding process and shall be cleaned daily. Such troughs shall be installed so as to pitch at least one half inch per foot toward a smooth metal catch basin or basins, of sufficient capacity for a day's operation at peak production, or shall be flushed continuously.~~

~~Section 1213. Draining and Plumbing.~~

~~(a) Draining and plumbing systems in a poultry plant shall be constructed in compliance with the standards in Title 24, California Administrative Code.~~

~~(b) The plant shall be operated and maintained in a manner to permit the quick runoff of all water from the plant buildings and surface water around the plant premises, and disposal of all such water in a manner to prevent stoppage and surcharging of the sewage system and generally to prevent a nuisance or sanitation hazard for the plant or surrounding area.~~

~~NOTE: Authority cited: Sections 407, 24561, 24562 and 24681, Food and Agricultural Code. Reference: Sections 24741-24750, 24771 and 24772, Food and Agricultural Code.~~

~~Section 1214. Water Supply.~~

~~(a) The water supply shall be ample, clean and potable, with adequate facilities for its distribution in the plant and its protection against contamination and pollution.~~

~~(b) Every plant shall make known and, whenever required, shall afford opportunity for inspection of the source of its water supply, the storage facilities, and the distribution system.~~

~~(c) Equipment using potable water shall be so installed as to prevent back-siphonage into the potable water system.~~

~~(d) Nonpotable water is permitted only in those parts of an official plant where no edible product is handled or prepared, and then only for limited purposes such as on refrigerating condensers not connected with the potable water supply, in vapor lines serving inedible products rendering tanks, in connection with equipment used for lashing and washing inedible products preparatory to tanking and in sewer lines for moving heavy solids in the sewage.~~

~~(e) Nonpotable water is not permitted for washing floors, areas, or equipment involved in trucking materials to and from edible products Departments, nor is it permitted in poultry scalding vats, mechanical pickers or for clean-up of shackling areas, bleeding area or runways within the slaughtering Department. (f) In all cases nonpotable water lines shall be clearly identified and shall not be cross-connected with the potable water supply unless this is necessary for fire protection and such connection is of a type with an adequate break to assure against accidental contamination, and is approved by local authorities and by the chief of the bureau.~~

~~(g) Inspectors may permit the reuse of water in vapor lines leading from deodorizers used in the preparation of edible products and in equipment used for chilling of canned products after retorting, provided the reuse is for the identical original purpose and the following precautions are taken to protect the water that is reused:~~

~~(1) All pipelines, reservoirs, tanks, cooling towers, and like equipment employed in handling the reused water are so constructed and installed as to facilitate their cleaning and inspection.~~

~~(2) Complete draining and disposal of the reused water, effective cleaning of equipment, and renewal with fresh, potable water is accomplished at such intervals as may be necessary to assure an acceptable supply of water for the purpose intended.~~

~~(3) Effective chlorination (not less than approximately one part per million of residual chlorine at any point within the cooling system) of the reused water utilized for cooling any canned product is maintained, but with the understanding that chlorination alone is not to be relied upon entirely or to be accepted in lieu of the requirements listed in subparagraph (1) and (2) of this paragraph.~~

~~(h) An ample supply of water at not less than 180 F. shall be furnished when used for sanitizing purposes. Whenever necessary to determine compliance with this requirement, conveniently located thermometers shall be installed to show the temperature of the water at the point of use as the chief of the bureau may direct. An adequate supply of hot water for cleaning purposes shall be available.~~

~~(i) Hose connections with steam and water mixing valves or hot water hose connections shall be provided at convenient locations throughout the plant for cleaning purposes.~~

~~(j) Before chemicals, drugs, or antibiotics may be added to potable water used in the processing of poultry, the chief of the bureau must be notified in order that facilities, procedures and acceptable labeling material can be checked and approved.~~

~~Section 1215. Sanitary Facilities and Accommodations: Specific Requirements.~~

~~(a) Dressing rooms, toilet rooms, lavatories, and urinals shall be constructed in accordance with standards prescribed in Section T3-906 and related sections of Title 24, California Administrative Code.~~

~~(b) The plant shall be operated so that dressing rooms, toilet rooms, and urinals are maintained sufficient in number, ample in size, and conveniently located. They shall be separate from the rooms and compartments in which products are prepared, stored, or handled. Depending upon limited size and characteristics of operations conducted by the plant, other facilities may be used in place of dressing rooms. Such facilities shall be so maintained that their presence and use does not interfere with the sanitary operation of the plant.~~

~~NOTE: Authority cited: Sections 407, 24561, 24562 and 24681, Food and Agricultural Code. Reference: Sections 24741-24750, 24771 and 24772, Food and Agricultural Code.~~

~~Section 1216. Lighting and Ventilation.~~

~~(a) Lighting and ventilation requirements of a poultry plant shall be provided in accordance with Section T3-907 and related sections of Title 24, California Administrative Code.~~

~~(b) Lighting fixtures and windows shall be maintained and operated to provide adequate lighting to ensure sanitary conditions.~~

~~(c) Ventilation equipment shall be maintained and operated to eliminate objectionable odors and minimize moisture condensation to ensure sanitary conditions.~~

~~NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24561, 24562, 24749, 24771 and 24772, Food and Agricultural Code.~~

~~Section 1217. Equipment and Utensils to Be Easily Cleaned: Those for Inedible Product to Be Marked.~~

~~(a) Equipment and utensils used for preparing, processing, and otherwise handling any product shall be of such materials and construction so as to permit thorough cleaning and such as will insure strict cleanliness in the preparation and handling of all products. So far as is practicable, such equipment shall be made of metal or other approved impervious material. Trucks and receptacles used for inedible materials shall be of similar construction and shall bear some conspicuous and distinctive mark, and shall not be used for handling edible products.~~

~~(b) Live poultry holding pens shall be so constructed as to permit proper cleaning.~~

~~(c) Batteries should be constructed entirely of metal and have metal dropping pans so as to permit proper and complete washing and cleaning. All batteries shall be replaced with batteries constructed of metal or other suitable, impervious material whenever replacement becomes necessary.~~

~~(d) Metal refuse containers with covers shall be provided, and such containers shall be kept covered.~~

~~(e) Chilling vats or tanks used for chilling dressed poultry shall be made of metal or other hard-surfaced impervious material.~~

~~(f) Ice shovels shall be smooth surfaced and made of metal.~~

~~(g) Scalding Equipment.~~

~~(1) Scalding equipment, tank or spray type, shall be made of metal and have a~~

smooth surface, and be of such construction as to permit proper and complete washing and cleaning.

~~(2) The scalding tanks, when used, shall be constructed as to prevent contamination of potable water lines and to permit water to enter continuously at the rate of 1/4 gallon per bird per minute and to flow out through an overflow.~~

~~(3) Scalding tanks under 100 gallons shall be so constructed that the water can and shall be changed at least twice each day used.~~

~~(4) The overflow outlets in scalding equipment shall be of sufficient size to permit feathers and water to be carried off.~~

~~(5) The overflow, draw-off valves, and sediment basin drain shall discharge into a floor or valley drain, or onto the floor in close proximity to a floor or valley drain.~~

~~(h) When necessary, safety guards shall be installed around moving machine parts of mechanical pickers, and such guards shall be of such construction as not to be difficult or laborious to remove or to keep clean. Sheet metal or metal grills fastened down with sufficient bolts and wing nuts are preferable.~~

~~(i) When wax dipping is used, metal troughs or containers shall be provided to catch the wax removed from the dipped poultry. If such wax is to be used again, adequate equipment shall be provided for the conduct of reclaiming procedures such as skimming, heating and washing, centrifuging and filtration.~~

~~(j) Where grading bins are used for poultry, they shall be of sufficient number and capacity to handle the grading adequately without the use of makeshift bins; and all dressed poultry shall be kept off the floor. Grading bins may be made of metal and shall be constructed and maintained in such a manner as to allow easy and thorough cleaning. All replacements of such bins shall, however, be of metal.~~

~~(k) Except as otherwise provided herein, all equipment and utensils used in the killing, roughing, pinning, skinning, eviscerating, chilling and packing rooms shall be of metal or other equally impervious material and constructed so as to permit proper and complete cleaning.~~

~~(l) Conveyors, Shackles and Trays.~~

~~(1) Conveyors used in the preparation of ready-to-cook poultry shall be constructed as to allow easy identification of viscera and its carcass and so designed as will present~~

~~each carcass or all parts thereof in a way that will permit adequate and efficient inspection.~~

~~(2) Overhead conveyors shall be constructed and maintained that they will not allow grease, oil, or dirt to accumulate on the drop chain or shackle which shall be of noncorrosive metal.~~

~~(3) Nonmetallic belt-type conveyors used in moving edible products shall be of waterproof composition.~~

~~(4) When individual trays or other acceptable equipment are not used during eviscerating operations, each carcass shall be suspended and a metal trough shall be provided beneath the conveyor to extend from the point where the carcass is opened to the point where the viscera has been completely removed, and such troughs shall be flushed continuously by a water spray.~~

~~(5) In plants where no conveyors are used, each carcass shall be eviscerated in such a manner that all contamination of the product is eliminated.~~

~~(m) Tables and benches used in the processing of poultry shall be made of metal or other approved materials, and be so constructed and placed to permit thorough cleaning, and when replaced shall have coved corners.~~

~~(n) Water spray washing equipment or running water facilities with sufficient potable water to thoroughly and efficiently wash carcasses shall be used for washing each carcass inside and out.~~

~~(o) Watertight metal receptacles shall be used for entrails and other waste resulting from preparation of eviscerated poultry.~~

~~(p) Freezing rooms should be adequately equipped to freeze ready-to-cook fowl solid in less than 60 hours, and rabbits should be frozen solid in less than 48 hours. Freezing rooms shall be equipped with floor racks or pallets and fans to insure air circulation.~~

~~(q) Cooling racks shall be made of metal or other materials equally impervious to moisture and be readily accessible for thorough washing and cleaning.~~

~~(r) Devices for the temporary retention of instruments such as knives, scissors, shears, clippers and similar hand-operated instruments used by workers and others at inspected plants shall be constructed of rust-resisting metal or other impervious materials,~~

~~shall be of a type that may be readily cleaned, and shall be kept clean.~~

~~(s) Metal surface required to be used in subsections a, c, d, e, f, g, h, j, k, m, o, q shall be rust resistant.~~

~~Section 1218. Accessibility.~~

~~(a) All equipment shall be so placed as to be readily accessible for all processing and cleaning operations.~~

~~(b) Mechanical pickers shall be so installed as to be accessible for thorough cleaning and removal of the accumulation of feathers.~~

~~Section 1219. Restrictions on Use.~~

~~Equipment and utensils used in the official plant shall not be used outside the official plant, except under such conditions as may be prescribed or approved by the chief of the bureau. Equipment, used in the preparation of any article (including, but not being limited to, animal food) from inedible material, shall not be used outside of the inedible products Department except under such conditions as may be prescribed or approved by the chief of the bureau.~~

9) Repeal the heading of Article 8 and sections 1220 and 1221, of Subchapter 1, Chapter 5, of Title 3 of the California Code of Regulations, to read as follows:

~~Article 8. Maintenance of Sanitary Conditions and Precautions
Against Contamination of Products~~

~~Section 1220. Cleaning of Rooms and Compartments.~~

~~(a) Rooms, compartments, places, equipment, and utensils used for preparing, storing, or otherwise handling any product, and all other parts of the plant shall be kept clean and in sanitary condition.~~

~~(b) There shall be no handling or storing of materials which create an objectionable condition in rooms, compartments, or places where products are prepared, stored, or otherwise handled.~~

~~(c) All feathers, blood, offal, refuse, dirt and waste products subject to decomposition and fermentation shall be removed daily.~~

~~(d) All windows, doors, and light fixtures in the official plant shall be kept clean.~~

~~(e) All docks and rooms shall be kept clean and free from debris, unused equipment and utensils.~~

~~(f) Live poultry receiving docks and receiving rooms shall be of such construction as to readily permit their easy cleaning.~~

~~(g) Floors in holding and feeding rooms shall be cleaned with such regularity as may be necessary to maintain them in a sanitary condition.~~

~~(h) The killing, roughing, pinning and skinning room shall be kept clean and free from offensive odors at all times.~~

~~(i) The walls, floors, and all equipment and utensils used in the killing, roughing, pinning, and skinning room shall be thoroughly cleaned after each day's operation.~~

~~(j) The floors in the killing, roughing, pinning and skinning room shall be cleaned frequently during killing, roughing, skinning and finishing operations and be kept reasonably free from accumulated blood, offal, feathers, manure, water and dirt.~~

~~(k) All equipment in the toilet and locker rooms, as well as such rooms, shall be kept clean, sanitary, and in good repair.~~

~~(l) Cooler and freezer rooms shall be free from objectionable odors of any kind and shall be maintained in a sanitary condition (including, but not being limited to the prevention of drippings from refrigerating coils onto products).~~

~~Section 1221. Cleaning of Equipment and Utensils.~~

~~Equipment and utensils used for preparing or otherwise handling any product shall be kept clean and in a sanitary condition and in good repair.~~

~~(a) Batteries, dropping pans, and pens shall be cleaned regularly and the manure removed from the plant daily.~~

~~(b) The feed mixer shall be cleaned daily.~~

~~(c) Scalding tanks shall be completely emptied and thoroughly cleaned as often as may be necessary but not less frequently than once a day.~~

~~(d) Ice shovels shall be marked to identify, kept clean, free of corrosion, stored off~~

~~the floor, and used only for the handling of ice.~~

~~(e) All equipment and utensils used in the killing, roughing, pinning, and skinning rooms shall be thoroughly washed and cleaned after each day's operation. The chilling and packing room and all equipment and utensils used therein shall be maintained in a clean and sanitary condition.~~

~~(f) Graders' and packers' gloves and grading bins shall be washed daily and used only for grading and packing, as the case may be.~~

~~(g) Chilling vats or tanks shall be emptied and rinsed after each use. They shall be thoroughly cleaned once daily.~~

~~(h) When frozen poultry is to be defrosted in water, adequate facilities (tanks, vats or racks) shall be provided, including continuous running tap water of sufficient volume to thaw such poultry. Such poultry shall not be thawed in still water and the thawing tanks shall be emptied and rinsed after each use. The tanks shall be thoroughly cleaned once daily. If water is heated, it shall not be heated above 70 degrees F. Thawing tanks shall be equipped with properly installed over-flow pipes to discharge over a floor drain or a valley drain. Where mechanical devices are not used for removing thawed carcasses from thawing tanks, the tanks shall be of a size which will enable employees to remove poultry without getting inside the tanks.~~

~~(i) When synchronized overhead conveyors and tray conveyors are used, the trays shall be completely washed and sanitized after being automatically emptied of inedible viscera.~~

~~(j) When a conveyor tray operation is used, such trays shall be of metal, of seamless construction, and shall be completely washed and sanitized after each use by means approved by the chief of the bureau.~~

~~(k) Tables, shelves, bins, trays, knives, pans, and all other tools and equipment used in the preparation of ready-to-cook poultry shall be kept clean and sanitary at all times. Cleaned equipment and utensils shall be drained on racks and shall not be nested.~~

~~(l) Drums, cans, tanks, vats, and other receptacles used to hold or transport poultry, shall be kept in a clean and sanitary condition.~~

10) Adopt new sections 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1210 and 1211 under new Article 7 of Subchapter 1, Chapter 5, Division 2 of Title 3 of the California Code of Regulations, to read as follows:

Article 7. Sanitation

Section 1210. Construction of Buildings; General Rules.

(a) Construction requirements for the processing of poultry, including requirements for separate rooms for processing operations, are provided in the 2007 California Building Code, Title 24, Part 2, Volume 1, Sections 1240, 1241, 1242, and 1243, which are incorporated by reference.

(b) Each official establishment must be operated and maintained in a manner sufficient to prevent the creation of insanitary conditions and to ensure that product is not adulterated in accordance with 9 CFR Part 416 (2007), which is incorporated by reference.

(c) Each official establishment shall participate in a Plant Improvement Program (PIP). The PIP is intended to identify and record significant deficiencies in plant facilities and equipment that do not present immediate threats to plant sanitation and product wholesomeness, to establish and record due dates for correction of deficiencies, and to record actual completion dates of corrections.

(1) MPI Form 79-032 (Rev. 12/04), Plant Improvement Program, which is incorporated by reference, shall be used to record deficiencies in plant facilities and equipment, to establish and record due dates for correction of deficiencies, and to record actual completion dates of corrections.

(2) A responsible establishment official shall initial the PIP form for each identified deficiency to acknowledge management's agreement to complete the correction of the deficiency by the listed due date.

(3) Failure to complete a correction of a deficiency by the listed due date shall be grounds for application by a Department inspector of a State of California Rejected/Retained tag to the deficient facility, room, or item as specified in section 1235 of this subchapter.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code; 2007 California Building Code, Title 24, Part 2, Volume 1, Sections 1240, 1241, 1242, and 1243; and 9 CFR

Part 416 (2007).

Section 1211. Official Establishment Grounds and Facilities.

Official Establishment grounds and facilities shall comply with 9 CFR section 416.2 (2007) and 40 CFR Part 141, sections 141.1, 141.2, 141.3, 141.4, 141.5, 141.6, 141.11, 141.13, 141.21, 141.22 and 141.23 (2007), which are incorporated by reference.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code; 9 CFR section 416.2 (2007) and 40 CFR Part 141 (2007).

Section 1212. Equipment and Utensils.

Equipment and utensils used for processing or otherwise handling edible product or ingredients at official establishments shall comply with 9 CFR section 416.3 (2007), which is incorporated by reference.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code; 9 CFR section 416.3 (2007).

Section 1213. Sanitary Operations.

Sanitary operations at official establishments shall comply with 9 CFR section 416.4 (2007), which is incorporated by reference.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code; 9 CFR section 416.4 (2007).

Section 1214. Employee Hygiene.

Employee hygiene at official establishments shall comply with 9 CFR section 416.5 (2007), which is incorporated by reference.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code; 9 CFR section 416.5 (2007).

Section 1215. Sanitation Standard Operating Procedures - General Rules.

Each official establishment shall develop, implement, and maintain written Sanitation Standard Operating Procedures (Sanitation SOP's) in accordance with the requirements of this article.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code.

Section 1216. Development of Sanitation SOP's.

On or before January 1, 2010, each official establishment shall develop, implement, and thereafter maintain written Standard Operating Procedures for Sanitation (Sanitation SOP's) in accordance with the requirements of this article, and shall comply with 9 CFR section 416.12 (2007), which is incorporated by reference.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code; 9 CFR section 416.12 (2007).

Section 1217. Implementation of Sanitation SOP's.

Each official establishment shall implement Sanitation SOP's in compliance with 9 CFR section 416.13 (2007), which is incorporated by reference.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code; 9 CFR section 416.13 (2007).

Section 1218. Maintenance of Sanitation SOP's.

Each official establishment shall maintain Sanitation SOP's in compliance with 9 CFR section 416.14 (2007), which is incorporated by reference.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code; 9 CFR section 416.14 (2007).

Section 1219. Corrective Actions.

Each official establishment shall take appropriate corrective action(s) in compliance

with 9 CFR section 416.15 (2007), which is incorporated by reference.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code; 9 CFR section 416.15 (2007).

Section 1220. Recordkeeping Requirements.

Each official establishment shall comply with the recordkeeping requirements of 9 CFR section 416.16 (2007), which is incorporated by reference. The abbreviation "FSIS" (Food Safety and Inspection Service) specified in section 416.16 shall mean the "Department" for purposes of these regulations.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, California Food and Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code; 9 CFR section 416.16 (2007).

Section 1221. Department Verification.

The Department shall verify the adequacy and effectiveness of the Sanitation SOP's in accordance with 9 CFR section 416.17 (2007), which is incorporated by reference. The abbreviation for the Food Safety and Inspection Service "FSIS", as specified in section 416.17 shall mean "Department" for purposes of these regulations.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code; 9 CFR section 416.17 (2007).

11) Repeal sections 1224, 1225, 1226, 1227, 1228 and 1229 of Subchapter 1, Chapter 5, Division 2 of Title 3 of the California Code of Regulations, to read as follows:

Section 1224. ~~Vermin and Pets Excluded from Plant.~~

~~(a) Every practicable precaution shall be taken to keep plants free of flies, rats, mice~~

~~and other vermin.~~

~~(b) Dogs, cats, and other pets shall be excluded from rooms where edible products and dressed poultry are processed, handled and stored.~~

~~Section 1225. Use of Compounds.~~

~~Only such germicides, insecticides, rodenticides, detergents or wetting agents or other similar materials may be used as will not contaminate or deleteriously affect the edible product. The use of poisons for any purpose in rooms or compartments where any unpacked poultry meat or product is stored or handled is forbidden except under such restrictions and precautions as the chief of the bureau may prescribe. The use of bait poisons in pelt rooms, inedible compartments, outbuildings, or similar places, or in store rooms containing canned or tierced product is not forbidden but so-called rat viruses shall not be used in any part of a plant or the premises thereof. The use of such compounds shall be in a manner satisfactory to the chief of the bureau.~~

~~Section 1226. Employment of Diseased Persons.~~

~~No poultry plant shall employ, in any Department where any poultry or poultry meat product is handled or prepared, any person affected with tuberculosis or other communicable disease in a transmissible stage.~~

~~Section 1227. Inedible Operating and Storage Rooms: Outer Premises, Docks, Approaches, etc., Fly-Breeding Material: Nuisances.~~

~~All operating and storage rooms and Departments of official plants used for inedible materials shall be maintained in acceptably clean condition. The outer premises of every official plant, embracing docks and areas where cars and vehicles are loaded, and the driveways and approaches shall be kept free of debris to permit complete drainage and kept in a clean and orderly condition. All catchbasins on the premises shall be given such attention as will ensure their being kept in acceptable condition as regards to odors and cleanliness and catchbasins shall not be used for inedible waste recovery in Departments where an edible product is prepared, handled, or stored. The accumulation on the premises of plants of any material in which flies may breed is forbidden. No nuisance shall~~

~~be allowed in any plant or on any plant premises.~~

~~NOTE: Authority cited: Sections 407 and 24561, Food and Agricultural Code. Reference: Sections 24771 and 24772, Food and Agricultural Code.~~

~~Section 1228. Used Tubs, Barrels, and Other Containers: Inspection and Cleaning.~~

~~Used tubs, barrels, and boxes intended for use as containers of any poultry meat or product shall be inspected prior to use. Those showing evidence of misuse rendering them unfit to serve as containers for food products shall be rejected. The use of those showing no evidence of previous misuse may be allowed after they have been thoroughly and properly cleaned.~~

~~Section 1229. Dead Poultry Carcasses.~~

~~(a) With the exception of dead poultry which have died enroute and are received with poultry for slaughter at an official plant, no dead animal, poultry or wild fowl may be brought on the premises of a plant unless advance permission therefor is obtained from the chief of the bureau.~~

~~(b) Under no circumstances shall the carcass or parts of any domestic poultry which has died otherwise than by slaughter, or was found on the premises in a dying condition, be brought into any room or compartment in which any poultry meat is prepared, handled or stored.~~

12) Amend sections 1222, 1223 and 1223.1; adopt new sections 1222.1 and 1222.4, under new Article 8 of Subchapter 1, Chapter 5, Division 2 of Title 3 of the California Code of Regulations, to read as follows:

Article 8. Operations and Procedures.

~~Section 1222. Operations and Procedures to Be Clean and Sanitary.~~

~~(a) Operations and procedures involving the preparation, storing, or handling of any poultry or product shall be strictly in accord with clean and sanitary methods. Live poultry shall not be held or slaughtered and edible product shall not be stored in any room where inedible product is kept.~~

~~(b) There shall be no handling or storing of materials which create an objectionable condition in rooms, compartments, or other places in the plant where any product is~~

~~prepared, stored, or otherwise handled.~~ The following operations shall be conducted only within separate rooms conforming with plant construction requirements of section 1209 of these regulations: killing, scalding, roughing, and skinning operations; and pinning, finishing, evisceration, chilling, and packing operations for dressed poultry.

~~(c) Pinning and finishing operations shall be performed in a part of the room that is located sufficiently away from the killing and roughing operations to prevent contamination of the product.~~ Live poultry shall not be held in the same room where pinning, finishing, evisceration, chilling and packing operations are conducted. If live poultry are held in the same room where killing, scalding, roughing, and skinning operations are conducted they shall be located sufficiently away from these operations to prevent contamination of the product.

~~(d) Poultry must be slaughtered in accordance with good commercial practices in a manner that will result in thorough bleeding of the carcasses and that will ensure that breathing has stopped prior to scalding.~~ Blood from the killing operation shall be confined to a relatively small area and kept from being splashed about the room.

~~(e) In finishing and cleaning dressed poultry, feed shall be removed from the crop, the fecal material in from the cloaca shall be removed, and carcasses which that are not free from vestigial feathers shall be singed, and such operation shall be completed prior to or during the final washing but prior to chilling and packaging of such dressed poultry. Notwithstanding the foregoing, dressed poultry which is to be eviscerated in an official plant establishment within 24 hours from time of slaughter may, when approved by the chief of the bureau Department be transferred by conveyor or operational type container or other approved means to such official plant establishment prior to removal of the feed in the crop.~~

~~(f) The head of each dressed poultry carcass shall be washed thoroughly to remove feed from the mouth and blood from the head and mouth.~~

~~(g) In the final washing, the dressed carcass shall be passed through a spray or system of sprays providing an abundant supply of fresh clean water or under clean flowing water utilizing a scrubbing action.~~

~~(h) The floors in the eviscerating room shall be kept clean and reasonably dry during eviscerating operations, and free of all refuse.~~ Water spray washing equipment or running

water facilities with sufficient potable water to thoroughly and efficiently wash carcasses shall be used for washing each carcass inside and out.

~~(i) Plant operations shall be conducted in such a manner as will result in sanitary processing and wholesome, properly prepared ready-to-cook poultry. The water used in washing the poultry shall be permitted to drain freely from the body cavity.~~

~~(j) Mechanized packaging equipment shall be maintained in good sanitary condition.~~

~~(k) (j) All offal resulting from the eviscerating operation shall be removed from the processing area as often as necessary to prevent the development of a nuisance unsanitary conditions.~~

~~(l) Paper and other material used for lining barrels or other containers in which products are packaged shall be of such kinds as do not tear readily during use, but remain intact when moistened by the product. Wooden containers to be used for packaging poultry shall be fully lined except when the individual carcasses to be packaged therein are fully wrapped.~~

~~(m) Protective coverings shall be used for the product in the plant, and as it is distributed from the plant, which will afford adequate protection for the product against contamination by any foreign substance (including, but not being limited to, dust, dirt and insects), considering the means intended to be employed in transporting the product from the plant.~~

~~(n) (k) Containers to be used for packaging ready-to-cook poultry shall be clean, free from objectionable substances or odors and of sufficient strength and durability to adequately protect the product during the normal distribution. Ready-to-cook poultry, other than that which is to be ice packed, shall be adequately drained to remove ice and free water prior to packing and packaging.~~

(l) Used tubs, barrels, and boxes intended for use as containers of any poultry meat or product shall be inspected prior to use. Those showing evidence of misuse that makes them unfit to serve as containers for food products shall be rejected. The use of those showing no evidence of previous misuse may be allowed after they have been thoroughly and properly cleaned.

(m) Dead Poultry Carcasses.

(1) With the exception of dead poultry that have died enroute and are received with

poultry for slaughter at an official establishment, no dead animal, poultry or wild fowl may be brought on the premises of an establishment unless written advance permission therefor is obtained from the Department.

(2) Under no circumstances shall the carcass or parts of any domestic poultry which has died otherwise than by slaughter, or was found on the premises in a dying condition, be brought into any room or compartment in which any poultry meat is prepared, handled or stored.

(n) Products Contaminated by Polluted Water: Procedure for Handling.

In the event there is polluted water (including, but not being limited to, flood water and harbor water) in an official establishment, all edible products that have been contaminated by such water shall be condemned.

(o) ~~Refuse may be moved directly to loading docks only for prompt removal.~~ Processing Rabbits. Rabbits may be killed, skinned, eviscerated, cooled and packaged in one room, providing that the room is of such size that the killing, skinning and eviscerating can be done on holders so spaced that sanitary processing is possible; the cooling tanks so placed that their contents are not contaminated by other processes, and the packing is done in a part of the room well away from inedible products so that no contamination of the ready-to-cook product is possible.

(p) ~~Employees and others who handle condemned carcasses or parts shall, before handling other carcasses or parts, cleanse their hands with liquid soap and hot water, and rinse them in clean water.~~ Poultry carcasses contaminated with visible fecal material shall be prevented from entering the chilling tank until the fecal contamination is removed and the carcass reinspected and passed by an inspector.

(q) ~~Implements which have come in contact with condemned carcasses shall be thoroughly cleansed before further use.~~ When frozen poultry is to be defrosted in water, continuous running tap water of sufficient volume to thaw such poultry shall be used. Such poultry shall not be thawed in still water and the thawing tanks shall be emptied and rinsed after each use. The tanks shall be thoroughly cleaned at least once daily. If water is heated, it shall not be heated above 70 °F.

(r) ~~Employees of the plant who handle any product shall keep their hands clean and in all cases after visiting the toilet rooms or urinals shall wash their hands before handling~~

any product, implement or packing material used in the preparation of a poultry product.
When thawing frozen ready-to-cook poultry in water, the establishment shall use methods that prevent adulteration of, or net weight gain by, the poultry.

~~(s) Aprons, frocks and other outer clothing worn by persons who handle any product shall be of material that is readily cleansed, and only clean garments shall be worn.~~

~~(t) Hands of employees handling poultry or edible products or the equipment thereof shall be free of infected cuts, boils and open sores at all time while thus engaged.~~

~~(u) Care shall be taken to prevent the contamination of products with perspiration, hair, cosmetics, medicaments and the like.~~

~~(v) Neither smoking nor chewing of tobacco shall be permitted in any room where exposed edible products are prepared, processed, or otherwise handled.~~

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code.

Section 1222.1. Moisture Absorption and Retention.

(a) Poultry washing, chilling, and draining practices and procedures shall minimize water absorption and retention at time of packaging.

(b) With respect to ready-to-cook poultry that is to be frozen, cooked, or consumer packaged, as whole poultry, the maximum moisture absorption and retention during washing, chilling, and draining processes shall not exceed, at the last readily accessible point at which the poultry carcasses can be selected for testing prior to packaging, the percentage limits set forth in the following tables:

Table 1--Maximum Moisture Absorption and Retention Limits for All Classes of Poultry, Other Than Turkeys, To Be Consumer Packaged, Frozen or Cooked as Whole Poultry

<u>Average ready-to-cook carcass weight prior to final washer [less final washer (less necks and giblets) necks and giblets]</u>	<u>Average percent increase in weight over weight of carcass prior to final washer [less final washer (less necks and giblets) necks and giblets]</u>	
	<u>Zone A \1\</u>	<u>Zone B \1\</u>

<u>Chickens 4½ lbs. and under</u>	<u>8.0</u>	<u>8.7</u>
<u>Chickens over 4½ lbs. and all other classes of poultry other than turkeys</u>	<u>6.0</u>	<u>6.7</u>

1) Product shall be retained if, out of five consecutive tests, more than one test exceeds the Zone A limits or any test exceeds the Zone B limits. These zone limits were based on a statistical analysis of variation between individual birds with regard to moisture absorption. With these limits, the chance of passing a lot with average moisture at or above the Zone A limit is less than 15 percent. A lot with average moisture at or above the Zone B limit would have virtually no chance of passing.

Table 2--Maximum Moisture Absorption and Retention Limits for All Turkeys To Be Consumer Packaged, Frozen or Cooked as Whole Poultry

<u>Average ready-to-cook carcass weight prior to final washer [less final washer (less necks and giblets) necks and giblets]</u>	<u>Average percent increase in weight over weight of carcass prior to final washer [less final washer (less necks and giblets) necks and giblets]</u>	
	<u>Zone A 1)</u>	<u>Zone B 1)</u>
<u>8 lbs. 8 ozs. and under</u>	<u>8.0</u>	<u>9.0</u>
<u>8 lbs. 9 ozs.-15 lbs. 15 ozs</u>	<u>6.0</u>	<u>6.4</u>
<u>8 lbs. 9 ozs.-15 lbs. 15 ozs</u>	<u>5.8</u>	<u>6.05</u>
<u>17 lbs.-17 lbs. 15 ozs</u>	<u>5.5</u>	<u>5.75</u>
<u>18 lbs.-18 lbs. 15 ozs</u>	<u>5.3</u>	<u>5.55</u>
<u>19 lbs.-19 lbs. 15 ozs</u>	<u>5.1</u>	<u>5.35</u>
<u>20 lbs.-20 lbs. 15 ozs</u>	<u>4.9</u>	<u>5.15</u>
<u>21 lbs.-21 lbs. 15 ozs</u>	<u>4.8</u>	<u>5.05</u>
<u>22 lbs.-22 lbs. 15 ozs</u>	<u>4.6</u>	<u>4.85</u>
<u>23 lbs.-23 lbs. 15 ozs</u>	<u>4.5</u>	<u>4.85</u>
<u>24 lbs.-26 lbs. 15 ozs</u>	<u>4.4</u>	<u>4.65</u>
<u>27 lbs. and over</u>	<u>4.3</u>	<u>4.55</u>

1) Product shall be retained if, out of five consecutive tests, more than one test exceeds the Zone A limits or any test exceeds the Zone B limits. These zone limits were

based on a statistical analysis of variation between individual birds with regard to moisture absorption. With these limits, the chance of passing a lot with average moisture at or above the Zone A limit is less than 15 percent. A lot with average moisture at or above the Zone B limit would have virtually no chance of passing.

(c) With respect to ready-to-cook turkey carcasses that are to be cut up, the maximum amount of moisture absorption and retention shall not exceed (at the time the first cut is made) the percentage limits set forth in the following table:

Table 3--Maximum Moisture Absorption and Retention Limits for All Classes of Turkeys To Be Cut Up

<u>Average ready-to-cook carcass weight prior to final washer (less necks and giblets)</u>	<u>Average percent increase in weight over weight of carcass prior to final washer (less necks and giblets)</u>	
	<u>Zone A \1\</u>	<u>Zone B \1\</u>
<u>8 lbs. 8 ozs. and under</u>	<u>9.0</u>	<u>10.0</u>
<u>8 lbs. 9 ozs.-15 lbs. 15 ozs</u>	<u>7.0</u>	<u>7.4</u>
<u>8 lbs. 9 ozs.-15 lbs. 15 ozs</u>	<u>6.8</u>	<u>7.05</u>
<u>17 lbs.-17 lbs. 15 ozs</u>	<u>6.5</u>	<u>6.75</u>
<u>18 lbs.-18 lbs. 15 ozs</u>	<u>6.3</u>	<u>6.55</u>
<u>19 lbs.-19 lbs. 15 ozs</u>	<u>6.1</u>	<u>6.35</u>
<u>20 lbs.-20 lbs. 15 ozs</u>	<u>6.9</u>	<u>6.15</u>
<u>21 lbs.-21 lbs. 15 ozs</u>	<u>5.8</u>	<u>6.05</u>
<u>22 lbs.-22 lbs. 15 ozs</u>	<u>5.6</u>	<u>5.85</u>
<u>23 lbs.-23 lbs. 15 ozs</u>	<u>5.5</u>	<u>5.85</u>
<u>24 lbs.-26 lbs. 15 ozs</u>	<u>5.4</u>	<u>5.65</u>
<u>27 lbs. and over</u>	<u>5.3</u>	<u>5.55</u>

\1\ Product shall be retained if, out of five consecutive tests, more than one test exceeds the Zone A limits or any test exceeds the Zone B limits. These zone limits were based on a statistical analysis of variation between individual birds with regard to moisture absorption. With these limits, the chance of passing a lot with average moisture at or

above the Zone A limit is less than 15 percent. A lot with average moisture at or above the Zone B limit would have virtually no chance of passing.

(d) With respect to ready-to-cook chicken carcasses, averaging 4¼ pounds or less, that are chilled in continuous chillers and further aged or chilled in slush ice and water, prior to being cut up, the maximum amount of moisture absorption and retention shall not exceed (when placed on the cutup line) the percentage limits set forth in the following table:

Average percent increase in weight over weight of carcass prior to final washer (less necks and giblets)

Zone A--10.0 \1\

Zone B--11.0 \1\

\1\ Product shall be retained if, out of five consecutive tests, more than one test exceeds the Zone A limits or any test exceeds the Zone B limits. These zone limits were based on a statistical analysis of variation between individual birds with regard to moisture absorption. With these limits, the chance of passing a lot with average moisture at or above the Zone A limit is less than 15 percent. A lot with average moisture at or above the Zone B limit would have virtually no chance of passing.

(e) With respect to ready-to-cook chicken carcasses, averaging 4¼ pounds or less, which are chilled in continuous chillers only, prior to being cut up, the percentage limits set forth in subsection (f) of this section shall apply.

(f) With respect to ready-to-cook poultry other than that under subsections (c) or (d) of this section that is to be ice packed, the maximum amount of moisture absorption shall not exceed, at the last readily accessible point at which the poultry carcasses can be selected for testing on the drip line, the percentage limits set forth in the following table:

Maximum Moisture Absorption and Retention Limits for Ice Pack Poultry Average percent increase in weight over weight of carcass prior to final washer (less necks and giblets)

Zone A--12.0 \1\

Zone B--13.0 \1\

(g) With respect to all ice pack poultry, the loss of moisture during holding and transportation to the first destination shall result in moisture retention that is within the

limits, applicable to the class of poultry involved, set forth in Zone A of Tables 1 and 2 in subsection (d)(2) of this section.

(h) Ten-bird tests may be conducted periodically by inspectors to determine compliance with the requirements of subsections (d) (1) through (5) of this section.

(i) Each official establishment may make adjustments in its washing, chilling, and draining methods provided it submits to the Department, upon request by the Department, written notice of the proposed adjustments, and provided further, that the operator of the establishment, upon request by the Department and immediately after the change, selects, prepares, identifies, and weighs a random sample of 10 ready-to-cook poultry carcasses prior to the final washer and again when they are removed from the drip line or other draining device immediately before packing. If the average weight of the 10 poultry carcasses taken before the final washer and their average weight after immediate removal from the drip line or draining device show that the product is in compliance with the Zone A moisture absorption limits, applicable to the class of poultry involved, set forth in this section, the adjusted methods will become the established washing, chilling, and draining system for the establishment. If the results of the weighing of the sample of 10 carcasses show that the product exceeds the Zone A limits set forth in this section, the poultry will be retained. Retained poultry shall not be released from the establishment until they meet the applicable requirements of subsections (d) (2), (3), (4), or (5) of this section.

(j) The establishment shall provide scales, weights, identification devices, and other supplies necessary to conduct all moisture tests.

(k) When poultry is ice packed in barrels or other containers, the barrels and containers shall be covered and shall have an adequate number of drain holes to permit the water to drain out.

(l) Giblets shall be handled in a manner that will prevent free water from being included in the giblet package.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code

Section 42231222.2. Temperatures and Cooling and Freezing Procedures.

(a) Temperatures and procedures which are necessary for cooling and freezing poultry, including all edible portions thereof, shall be in accordance with sound operating practices which insure the prompt removal of the animal heat, and which will maximize the preservation of the quality and conditions of the poultry.

(b) In general, all poultry that is prepared in the official plant or establishment shall be cooled immediately after processing. If such poultry is to shipped from the plant in packaged form, the poultry shall be cooled to and maintained at a temperature of 40 degrees F. or less prior to shipment from the plant, except that if it is to be held in excess of 24 hours it shall be held at 36 degrees F., and except that with respect to poultry which is to be frozen immediately, the ~~chief of the bureau~~ Department may approve, upon written request, the shipment of packaged poultry from the plant prior to cooling to 40 degrees F., or less if such poultry is handled in accordance with ~~subparagraphs~~ subsections (b)(1) and (2) of this paragraph section.

(1) Poultry intended for freezing without pre-chilling shall, within two hours from the time of slaughter, be placed in a plate freezer or a freezer with a functioning circulating air system where a temperature of -20 degrees F., or lower is maintained. The poultry shall be stacked in a manner ~~which~~ that will permit adequate circulation of air around the individual containers, and such poultry shall remain therein until completely frozen.

(2) The plant and freezer shall be so located and the necessary arrangements made so that the inspector will have access to the freezing room and adequate opportunity to determine compliance with the time and temperatures specified in ~~subparagraph~~ subsection (b)(1) of this paragraph section.

(c) Ice and Chilling Requirements.

(1) In ice and water chilling, only ice manufactured or produced from potable water may be used for ice water chilling. The ice shall be handled and stored in a sanitary manner. If of block type, the ice shall be washed by spraying all surfaces with clean water before crushing. Metal ice crushers shall be cleaned at least once daily.

(2) Enough clean crushed ice shall be used in vats or tanks to assure the chilling of poultry within the time specified in ~~subparagraph~~ subsection (3) of this paragraph section.

(3) Poultry carcasses weighing less than 4 pounds shall be chilled to 40 degrees F. or below in less than 4 hours; carcasses weighing 4 to 8 pounds shall be chilled to 40

degrees F. or below in less than 6 hours; and carcasses weighing more than 8 pounds shall be chilled to 40 degrees F. or below in less than 8 hours.

(4) In order to facilitate continuous processing operations, poultry may be held overnight in chilling tanks containing ice and water of a temperature of 40 degrees F. or less, but in no case may poultry be held in direct contact with water and ice for longer than 24 hours from the time of evisceration. If poultry is to be held in chill tanks for longer periods than specified herein, it shall be properly repacked with crushed ice in clean tanks ~~which~~ that are continually drained, and during this holding period, the internal temperature of the poultry shall be maintained at or below 40 degrees F.

(d) In air chilling, dressed poultry shall be placed in a refrigerated room with moderate air movement and a temperature which will reduce the internal temperature of the carcasses to 40 degrees F. or less within 24 hours. In air chilling ready-to-cook poultry, the internal temperature of the carcasses shall be reduced to 40 degrees F. or less within 16 hours.

(e) Any other chilling procedure ~~which~~ that will effect chilling in a manner equal to that obtained by the procedures herein set forth, may be permitted when approved by the ~~chief of the bureau~~ Department.

(f) Giblets shall be chilled to 40 degrees F. or lower within two hours from the time they are removed from the inedible viscera except that when they are chilled with the carcass by immediate entry into a freezer, the time and temperature requirements set forth in ~~paragraph~~ subsection (b)(1) of this section shall apply. Any of the acceptable methods applicable to the chilling of the poultry carcass may be followed in cooling giblets except that unwrapped liver shall not be chilled in ice and water slush but may be chilled in direct contact with chipped ice or snow in containers which are continually drained. Giblet wrapping materials and procedures shall be such as will permit draining of the giblets prior to packaging of the ready-to-cook carcass.

(g) Freezing Requirements.

(1) Poultry ~~which~~ that has been chilled to 40 degrees F. or below prior to packaging and is to be frozen shall be placed into a freezer within 48 hours from time of packaging. However, if such poultry is held for longer than 24 hours from time of slaughter before it is placed in the freezer it shall be held at 36 degrees F. or lower.

(2) The freezing operation for dressed poultry shall be accomplished in such a manner as to bring the internal temperature of the birds in the center of the package to 0 degree F. or below within 96 hours from the time of entering the freezer, whereas, ready-to-cook poultry shall be frozen in a manner so as to bring the internal temperature of the birds at the center of the package to 0 degree F. or below within 72 hours from the time of entering the freezer.

(3) Warm packaged poultry ~~which~~ that is to be chilled by immediate entry into a freezer within the official ~~plant~~ establishment shall be handled in compliance with the time and temperature requirements set forth in ~~paragraph~~ subsection (c)(3) of this section.

(4) Holding Requirements.

(A) Frozen poultry shall be held under conditions ~~which~~ that will maintain the product in a solidly frozen state with temperatures maintained as constant as possible.

(B) Freezer temperatures of -10 degrees F. are preferable for holding frozen poultry.

(h) When poultry is ice packed in barrels or other containers, the barrels and containers shall be covered and shall have an adequate number of drain holes to permit the water to drain out.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code.

Section 1223.4 1222.3. Exception to Chilling Requirements.

Regulations governing the chilling and freezing of poultry shall not be interpreted as requiring chilling of dressed or ready-to-cook poultry when sold direct to a retail customer providing the slaughtering, dressing and/or eviscerating is done at a retail customer's order and while the said customer awaits delivery; and further providing that the package or wrapper shall bear, in conjunction with the inspection mark or label, the additional statement "The poultry meat contained herein has not been chilled, and therefore should either be chilled or be cooked immediately."

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code.

Section 1222.4. Temperatures and Procedures for Cooling and Freezing Rabbits.

(a) Cooling. Immediately after evisceration and washing of rabbit carcasses, the carcasses shall be placed in a cooling tank containing running cold tap water to remove animal heat from the carcasses. Rabbit carcasses shall not be immersed in water longer than 2½ hours.

(b) Air Chilling. Immediately after the initial water chilling, the carcasses shall be placed in cooling racks and thereupon placed in a refrigerated cooler with moderate air movements and a temperature which will reduce the internal temperature of the carcasses to 40 °F or less within 24 hours.

(c) Freezing.

(1) When ready-to-cook domestic rabbits are packaged in bulk or shipping containers, the carcasses shall be individually wrapped or packaged in water-vapor resistant cartons, or the containers shall be lined with heavy water-vapor resistant paper so as to assure adequate overlapping of the lining to completely surround the carcasses and to permit unsealed closure or sealing in such a manner that water-vapor loss from the product is considerably retarded or prevented. The rabbit carcasses shall receive an initial rapid freezing under such packaging, temperature, air circulation, and stacking conditions that will result in freezing the carcasses solid in 48 hours.

(2) Frozen ready-to-cook rabbits shall be stored at 0 °F, or below, with temperatures maintained as constant as possible.

(d) Immediately after packing, all ready-to-cook domestic rabbits, other than those that are shipped from the plant (the body temperature of which shall be below 36 °F.), shall be either moved into the freezer or held for a period not exceeding 72 hours in the cooler at a temperature of not above 36 °F.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code.

13) Repeal the heading of Article 9 and section 1230 of Subchapter 1 of Chapter 5, of Title 3 of the California Code of Regulations, to read as follows:

~~Article 9. Products and Equipment Contaminated By Polluted Water~~
~~Section 1230. Products Contaminated by Polluted Water: Procedure for Handling.~~

~~(a) In the event there is polluted water (including, but not being limited to, flood water and harbor water) in an official plant, all edible products that have been contaminated by such water shall be condemned.~~

~~(b) After the polluted water has receded, all walls, ceilings, posts, and floors of the rooms and compartments involved, including the equipment therein, shall be cleansed thoroughly. An adequate supply of hot water, under pressure, is essential for effective cleansing. After cleansing, a solution of sodium hypochlorite containing approximately one-half of 1 percent of available chlorine (5,000 parts per million) or other disinfectant approved by the chief of the bureau, shall be applied, and all metal surfaces shall be rinsed thoroughly with water to prevent corrosion. Any such equipment that will afterwards be used in connection with any edible product shall be rinsed thoroughly with clean water before being used.~~

~~(c) Hermetically sealed containers of edible products which have been submerged in, or otherwise contaminated by, the polluted water shall be rehandled promptly as follows:~~

~~(1) Such of the containers as are swollen or leaky or otherwise do not show the external characteristics of sound containers shall be segregated and the contents thereof condemned.~~

~~(2) Paper labels, if any, attached or affixed or affixed to the remaining containers shall be removed and the containers washed in warm soapy water and, if necessary to remove rust and other foreign material, a brush shall be used.~~

~~(3) Thereafter, such containers shall be immersed in a solution of sodium hypochlorite containing not less than 100 parts per million of available chlorine, or other disinfectant approved specifically for this purpose by the chief of the bureau, and rinsed in clean fresh water and dried thoroughly. Any such containers which show extensive rusting or corrosion, such as might materially weaken the container, shall be opened. The edible products from such containers that are found to be sound and wholesome shall be passed for human food.~~

~~(4) The remaining containers may be relacquered, if necessary, and then relabeled with approved labels applicable to the edible product therein.~~

~~(5) The identity of the canned edible products shall be maintained throughout all stages of the rehandling operation to insure correct labeling of the containers.~~

14) Repeal the heading of Article 10 and section 1231 of Subchapter 1, Chapter 5, of Title 3 of the California Code of Regulations, to read as follows:

~~Article 10. Sanitation Regulations Applicable To Rabbits Only~~

~~Section 1231. Processing, Chilling and Freezing.~~

~~(a) Rabbits may be killed, skinned, eviscerated, cooled and packaged in one room, providing that the room is of such size that the killing, skinning and eviscerating can be done on hooks so spaced that sanitary processing is possible; the cooling tanks so placed that their contents are not contaminated by other processes, and the packing is done in a part of the room well away from inedible products so that no contamination of the ready-to-cook product is possible.~~

~~(b) Temperatures and Procedures for Cooling and Freezing Rabbits.~~

~~(1) Cooling. Immediately after evisceration and washing of rabbit carcasses, they shall be placed in a cooling tank containing running cold tap water to remove the animal heat from the carcasses. Rabbit carcasses shall not be immersed in the water for a period longer than 2½ hours.~~

~~(2) Air Chilling. Immediately after the initial water chilling, the carcasses shall be placed in cooling racks and thereupon placed in a refrigerated cooler with moderate air movements and a temperature which will reduce the internal temperature of the carcasses to 40 degrees F. or less within 24 hours.~~

~~(3) Freezing.~~

~~(A) When ready-to-cook domestic rabbits are packaged in bulk or shipping containers, the carcasses shall be individually wrapped or packaged in water-vapor resistant cartons, or the containers shall be lined with heavy water-vapor resistant paper so as to assure adequate overlapping of the lining to completely surround the carcasses and to permit unsealed closure or sealing in such a manner that water-vapor loss from the product is considerably retarded or prevented. The rabbit carcasses shall receive an initial rapid freezing under such packaging, temperature, air circulation, and stacking conditions that will result in freezing the carcasses solid in 48 hours.~~

~~(B) Frozen ready-to-cook rabbits shall be stored at 0 degrees F., or below, with~~

~~temperatures maintained as constant as possible.~~

~~(4) Immediately after packing, all ready-to-cook domestic rabbits, other than those which are shipped from the plant (the body temperature of which will be below 36 degrees F.) will be either moved into the freezer or held for a period not exceeding 72 hours in the cooler at a temperature of not above 36 degrees F.~~

15) Amend Article 11 to read Article 9 and amend section 1235 of Subchapter 1, Chapter 5, Division 2 of Title 3 of the California Code of Regulations, to read as follows:

Article 44 9. Application for Examination and Poultry Meat Inspector License

Section 1235. Licensing Poultry Meat Inspectors.

(a) Persons desiring to be licensed as poultry meat inspectors shall file an application with the ~~director~~ Department, for an examination and license.

(b) The application for license, accompanied by the fee of \$10 prescribed by law, shall be remitted by cash, check or money order, and shall be mailed, paid or delivered to: Cashier, ~~State~~ Department of Food and Agriculture, 1220 N Street, Sacramento, California 95814.

(c) Applicants for examination to become licensed poultry meat inspectors shall have the following basic qualifications:

(1) Applicant shall not be less than 18 years old.

(2) Applicant shall have had:

(A) Six months experience in poultry processing; or

(B) One year of technical training in a related field.

(3) Ability to follow oral and written directions, to do simple arithmetical calculations, to write legibly, and to prepare clear and accurate reports.

(4) Ability to analyze situations accurately and adopt an effective course of action.

(5) Normal vision or vision corrected to normal.

(d) The form, MPI Form 79-009A (Rev. 12/04) Poultry Meat Inspector License Application, which is incorporated by reference, used for making application shall be provided by the ~~Director of Agriculture~~ Department.

(e) License applicants, upon payment of the application fee, shall be furnished by the

Department with a copy of extracts from the Food and Agricultural Code and Title 3 of the California Code of Regulations pertaining to poultry inspection, the Poultry Meat Inspector Training Manual (10/95 edition), which is incorporated by reference, and any other information, if any, that the applicant should know to pass the examinations for licensure and to properly conduct inspection activities.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code.

16) Amend Article 12 to read Article 10 and section 1236 of Subchapter 1, Chapter 5, Division 2 of Title 3 of the California Code of Regulations, to read as follows:

Article 12 10. Compliance with Laws and Regulations

Section 1236. Reports of Violations of Regulations.

Poultry meat inspectors shall report to ~~bureau~~ Branch employees all violations and failures to comply with ~~Chapter 3, Division 3, Article 2~~ Division 12, Chapter 1 (section 24501 et seq.) Chapter 2 (section 24651 et seq.) and Chapter 3 (section 24951 et seq.), of the Food and Agricultural Code or the regulations promulgated thereunder.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code; Division 12, Chapter 1 (section 24501 et seq.) Chapter 2 (section 24651 et seq.) and Chapter 3 (section 24951 et seq.)

16) Renumber Article 13 to read Article 11; repeal section 1237; amend sections 1238, 1239, 1240 1241 and 1242 of Subchapter 1, Chapter 5, Division 2 of Title 3 of the California Code of Regulations, to read as follows:

Article 13 11. Poultry Meat Inspectors.

~~Section 1237. Designation of Minimum Number of Inspectors.~~

~~The chief of the bureau shall designate the minimum number of poultry meat~~

~~inspectors to be employed by each poultry plant in accordance with the extent of operation of such plant.~~

Section 1238. Poultry Meat Inspectors to Have Right of Access to Plants at Any Reasonable Time.

For the purpose of any examination or inspection necessary to enforce any of the provisions of these regulations, poultry meat inspectors shall have right of access at any reasonable time, by day or night, whether the plant is operating or not, to every part of any official plant or establishment at which they are employed.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code.

Section 1239. Identification of Poultry Meat Inspectors.

(a) Each licensed poultry meat inspector shall be furnished with a numbered official identification card ~~which that~~ he shall ~~not allow to leave his possession~~ be prepared to present upon request by a Department employee. The applicant for a license as a poultry meat inspector shall furnish the department accurate information as to ~~his~~ the applicant's sex, date of birth, height, weight, color of hair, color of eyes, which shall appear on such card for the purpose of identification. The applicant for a poultry meat inspector's license shall furnish the department two satisfactory recent photographs of himself, size 1 inch by 1 1/4 inch, one of which shall be attached to the identification card; the other will be held in the ~~bureau~~ Department files. This card shall serve as a certificate of license and shall be sufficient to entitle him to admittance at all regular entrances and to all parts of the plant and premises at which he is employed.

(b) Upon receipt of application for renewal and accompanying renewal fee for annual renewal of the poultry meat inspector license and subject to documented attendance at mandatory annual maintenance training provided by the Department, the poultry meat inspector shall be provided with a renewal certificate. The renewal certificate or a copy of the certificate shall be visibly posted in the plant where the poultry meat inspector is employed.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and

Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code.

Section 1240. Interference with or Abuse of Poultry Meat Inspectors.

(a) No person shall resist, intimidate, delay, obstruct, hamper, abuse, or interfere with any poultry meat inspector in the discharge of his duties nor shall any person attempt by means of any threat or violence to deter or prevent any poultry meat inspector from performing his duty.

(b) No plant owner or operator or his agent shall discharge or in any way terminate the services of a poultry meat inspector in his plant without immediately notifying the ~~chief of the bureau~~ Department.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code.

Section 1241. Duties and Conditions of Employment of Poultry Meat Inspectors.

(a) Failure in effort on the part of the poultry meat inspector to properly enforce poultry meat inspection regulations shall be sufficient cause for the ~~director~~ Department to suspend or revoke the license of such poultry meat inspector.

(b) A poultry meat inspector whose license has been revoked shall surrender his identification or license card to the ~~chief of the bureau~~ Department upon written notification of his license having been revoked. No refund for license fee shall be made to any person whose license has been revoked.

(c) No plant owner or operator or his agent shall employ a poultry meat inspector as such who does not possess a valid license as a poultry meat inspector.

~~(d) When more than one poultry meat inspector is employed by a plant, the plant owner or operator shall keep a log in which he will enter, before the start of each day's operation, the name of the licensed inspector who will enforce the poultry meat inspection regulations for that day. If the plant operations are of such a nature that more than one poultry meat inspector is employed as such, the plant owner or operator shall enter, before the start of each day's operations, in his log the names of the poultry meat inspectors and designate the division of their authority within the plant. Such records shall be kept for a period of not less than one year.~~

~~(e)~~ (d) The ~~plant~~ official establishment's owner or operator shall not allow poultry meat inspectors to do work ~~which~~ that will interfere with their carrying out the regulatory duties of their office in an efficient and satisfactory manner. The owner or operator shall provide adequate time, resources, and authority for poultry meat inspectors to conduct inspections and perform other regulatory duties.

~~(f)~~ Poultry meat inspectors shall wear white, washable outer clothing and clean head coverings.

~~(g)~~ (e) No process used in killing, eviscerating, chilling, freezing, cutting, curing, picking, rendering, canning, packing, or otherwise preparing any product in official ~~plants~~ establishment shall be performed except under the supervision, and in the presence of a poultry meat inspector.

~~(h)~~ Office space and facilities for the inspector is to be constructed as provided by Section T3-902, Title 24, California Administrative Code, and related sections. This space and facilities, including heat, light, and janitor service, will be provided by the official plants for official use of the inspector.

(f) A Poultry meat inspector shall inspect the poultry plant in which they are employed to determine if provisions of the Food and Agricultural Code and of these regulations pertaining to poultry inspection are being met. Such inspection shall include:

(1) Inspect facilities and equipment before operations commence on each day that the plant operates.

(2) Inspect facilities, equipment, and hygienic practices of plant personnel during operations.

(3) Inspect for compliance with poultry humane handling and slaughter statutes and regulations.

(4) Conduct ante-mortem inspection of poultry, if required, and post-mortem inspection of poultry carcasses and viscera.

(5) Inspect packaging of poultry products.

(6) Inspect labeling of poultry products.

(7) Inspect handling and disposal of inedible and condemned poultry and poultry products.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and

Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code.

Section 1242. Hours of Operation Poultry Plants.

At the time of inauguration of inspection, each plant owner or operator shall make known to the chief of the ~~bureau~~ Branch, in writing on MPI Form 79-038 (Rev. 03/06), Schedule of Operations, which is incorporated by reference, their plant's regular scheduled workdays and time of operation. Any deviation from this schedule, other than occasional deviations of not more than two hours at the end of a scheduled work day, made necessary by unforeseen work stoppage or new commitments, shall be brought to the attention of the area supervisor or ~~his superior~~ the chief prior to the time of deviation.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code.

17) Amend Article 14 to read Article 12 and amend sections 1243 and 1244 and of Subchapter 1, Chapter 5, Division 2 of Title 3 of the California Code of Regulations, to read as follows:

Article 12. Marking Receptacles and Tagging Unsanitary Equipment

Section 1243. Trucks and Receptacles for Diseased Carcasses.

Water-tight trucks and receptacles for holding or handling diseased carcasses and diseased parts of carcasses shall be so constructed as to be readily and thoroughly cleaned; such trucks and receptacles shall be marked in a conspicuous manner with the word "condemned" in letters not less than 2 inches high and, when required by the inspector, shall be equipped with facilities for locking and sealing.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code.

Section 1244. Tagging Unsanitary Equipment, Utensils, Rooms or Compartments.

When, in the opinion of ~~a poultry meat inspector or bureau employee~~ an inspector, any equipment, utensils, room or compartment at an official plant is unclean or its use would be in violation of any of these regulations, he will attach a red or green ~~"rejected"~~

State of California Rejected/Retained tag thereto, notify the plant operator of such tagging and make necessary arrangements with the ~~plant~~ establishment operator for a ~~poultry meat inspector or bureau employee~~ an inspector to be present when the ~~thing~~ item tagged is ready for reinspection. Such equipment, utensils, room, or compartment shall be placed in a sanitary condition in accordance with these regulations and thereafter shall not be used until the condition thereof shall be found satisfactory by ~~such person~~ an inspector on reinspection and ~~such person~~ the inspector has removed the State of California Rejected/Retained tag therefrom. Only a Branch inspector may remove a red State of California Rejected/Retained tag. A ~~Branch employee~~ Branch inspector or poultry meat inspector may remove a green State of California Rejected/Retained tag. Prior to such approval on reinspection, the State of California Rejected/Retained tag shall not be removed or destroyed.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 124652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code.

18) Renumber Article 15 to read Article 13 and amend section 1245; adopt sections 1245.1, 1245.2, 1245.3 and 1245.4, and of Subchapter 1, Chapter 5, Division 2 of Title 3 of the California Code of Regulations, to read as follows:

Article ~~15~~ 13. Ante-Mortem Inspection

Section 1245. Ante-Mortem Inspection When Required and Where.

(a) Ante-Mortem inspection of fowl may be required by the ~~bureau~~ Department as a prerequisite to any inspection, and if so required, the ~~plant~~ establishment will provide such help and facilities as may be required to facilitate such examination. Such ante-mortem inspection shall be made on the day of slaughter.

(b) Ante-mortem inspection of rabbits is a prerequisite to their being inspected for wholesomeness.

(c) Ante-mortem inspection shall be made on the premises of the plant in which the poultry is about to be slaughtered.

(d) All poultry showing, on ante-mortem inspection, symptoms of ~~acute ornithosis, tularemia, erysipelas, or acute fowl pox~~ shall be condemned, ~~killed by dislocating the neck,~~

and disposed of in accordance with Section 1254. any disease or condition that, under section 1250 of this subchapter, would cause condemnation of their carcasses on post-mortem inspection, shall be condemned.

(1) Birds condemned on ante-mortem inspection shall not be dressed, nor shall they be conveyed into any room of the official establishment where poultry products are prepared or held.

(2) Live poultry condemned on ante-mortem inspection shall be killed using one or a combination of methods listed in section 1254 of this subchapter.

(3) Poultry that have been condemned on ante-mortem inspection and that have been killed or died otherwise shall, under the supervision of an inspector, be disposed of as provided in section 1254 of this subchapter.

(e) Dead-on-arrival ratites and ratites condemned on ante-mortem inspection shall be tagged "California Condemned" by an inspector and disposed of as provided in section 1254 of this subchapter.

(f) All seriously crippled ratites and non-ambulatory ratites, commonly termed "downers," shall be identified as "California Suspect."

(g) Ratites exhibiting signs of drug or chemical poisoning shall be withheld from slaughter.

(h) Ratites identified as "California Suspect" or "California Condemned" may be set aside for treatment. The "California Suspect" or "California Condemned" identification device will be removed by a Department employee following treatment if the bird is found to be free of disease. Such a bird found to have recovered from the condition for which it was treated may be released for slaughter or for purposes other than slaughter, provided that in the latter instance permission is first obtained from the local, state, or federal sanitary official having jurisdiction over movement of such birds.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 124652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code. Section 1245.1. Segregation of Suspects on Ante-Mortem Inspection.

All birds that on ante-mortem inspection do not plainly show, but are suspected of being affected with, any disease or condition that under sections 1250 and 1251 of this subchapter may cause condemnation in whole or in part on post-mortem inspection, shall

be segregated from all other poultry and held for separate slaughter, evisceration, and post-mortem inspection. The inspector shall be notified when such segregated lots are presented for post-mortem inspection and inspection of such birds shall be conducted separately. Procedures for the correlation of ante-mortem and post-mortem findings by the inspector, as may be prescribed or approved by the Department, shall be carried out.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 124652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code.

Section 1245.2. Segregation of Diseased Poultry.

If live poultry, which is affected by any contagious disease that is transmissible to man, is brought into an official establishment, shall be handled in accordance with 9 CFR section 381.73 (2007), which is incorporated by reference.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 124652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code; 9 CFR section 381.73 (2007).

Section 1245.3. Poultry Suspected of Having Biological Residues.

When any poultry at an official establishment is suspected of having been treated with or exposed to any substance that may impart a biological residue that would make their edible tissues adulterated, they shall, at the option of the operator of the establishment, be processed at the establishment and the carcasses and all parts thereof retained under "State of California Rejected/Retained" tags, pending final disposition in accordance with section 1252 of these regulations, and the provisions in Article 14; or they shall be slaughtered at the establishment and disposed of in a manner satisfactory to the inspector. Alternatively, such poultry may be returned to the grower, if further holding is likely to result in their not being adulterated by reason of any residue. The Department will notify the appropriate state or federal agencies of such action. To aid in determining the amount of residue present in the poultry, officials of the Department may permit the slaughter of any such poultry for the purpose of collecting tissues for analysis of the residue.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 124652, 24653, 24654, 24655, 24656,

24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code.

Section 1245.4. Poultry Used for Research.

(a) No poultry used in any research investigation involving an experimental biological product, drug, or chemical shall be eligible for slaughter at an official establishment unless :

(1) The operator of the official establishment, the sponsor of the investigation, or the investigator has submitted to the Department data or a summary evaluation of the data, which demonstrates that the use of such biological product, drug, or chemical will not result in the products of such poultry being adulterated. Such data must be obtained from any of the following:

(A) Department of Food and Agriculture; or,

(B) Veterinary Biologics Unit of Veterinary Services, Animal and Plant Health Inspection Service of the United States Department of Agriculture; or,

(C) Environmental Protection Agency; or,

(D) Food and Drug Administration of the Department of Health, Education, and Welfare.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code.

19) Renumber Article 15.1 to read Article 14; amend sections 1245.1, 1245.2, 1245.3, 1245.4, 1245.5, 1245.6, 1245.7, 1245.8, 1245.9, 1245.10, 1245.11, 1245.12, 1245.13, 1245.14, 1245.15 and 1245.16 of Subchapter 1, Chapter 5, Division 2 of Title 3 of the California Code of Regulations, to read as follows:

Article 14.4 14. Humane Slaughter of Poultry

Section 1245.4 1246. General Provisions.

All slaughter of poultry, with the exception of "Spent hens" and "Small game birds," shall be performed in accordance with approved methods of humane poultry slaughter as provided in this article. Violations of humane slaughter procedures specified in this article shall be cause for the suspension of inspection and revocation of the poultry slaughter establishment's license by the Chief of the Meat and Poultry Inspection Branch after the establishment's management has been given notice and an opportunity for a hearing.

NOTE: Authority cited: Sections 407 and 19501.5, Food and Agricultural Code. Reference: Sections 19501 and 19501.5, Food and Agricultural Code.

Section ~~1245.2~~ 1246.1. Definitions.

(a) "Poultry slaughter establishment" means any place where poultry is slaughtered, dressed, or drawn.

(b) "Spent hens" means older chicken hens which are considered too unproductive to retain as egg layers.

(c) "Small game birds" means pigeons, pheasants, silkies (*Gallina lanigera*), chukars, quail and other species of game birds of the same approximate size as those listed in this section.

(d) "Stunning" means to humanely render any domesticated fowl or rabbit insensible to pain to a level of surgical anesthesia or unconsciousness.

(e) "Non-commercial equipment" means any device that is not commercially available from poultry equipment manufacturers.

(f) "Surgical anesthesia" means the induction of an animal to a level of insensibility to pain that would allow immediate and simultaneous severance of both carotid arteries with a sharp instrument.

(g) "PMI" Poultry Meat Inspector means a person who, after examination and demonstration, has been issued a license by the ~~Secretary~~ Department of Food and Agriculture to inspect poultry meat for wholesomeness.

NOTE: Authority cited: Sections 407 and 19501.5, Food and Agricultural Code. Reference: Sections 19501 and 19501.5, Food and Agricultural Code.

Section ~~1245.3~~ 1246.2. Handling of Poultry for Slaughter.

Regardless of the humane method of slaughter employed, the handling of poultry in connection with slaughter shall meet the following criteria.

(a) Poultry shall be delivered to the stunning area in transport cages or other equipment that is of sufficient size to accommodate the size of poultry being presented for slaughter. Cages must be in good repair, free of broken wire, rough areas, holes, sharp projections, and other protrusions to avoid injury to the poultry.

(b) If improper or injurious conditions exist at delivery to the poultry slaughter establishment, the PMI or Branch inspector shall immediately halt slaughter activity until the discrepancy is corrected. A "State of California Rejected/Retained Tag" shall be attached to each cage identified with improper or injurious conditions by the PMI or Branch inspector.

The unacceptable conditions shall be corrected immediately by the poultry slaughter establishment or its designated representative. The "State of California Rejected/Retained Tag" shall be removed by the PMI or Branch inspector after corrective actions have been taken.

(c) Poultry delivered for slaughter shall be held in a location with adequate ventilation to prevent overheating and shall have protection from exposure to adverse weather conditions.

(d) Poultry shall be stunned, rendered unconscious, or killed before bleeding. Stunned poultry shall remain in a state of surgical anesthesia through completion of the bleeding process.

(e) Bleeding shall be accomplished by severing both carotid arteries or by decapitation. Sufficient bleeding time (approximately 2 to 3 minutes) shall be allowed to prevent the unacceptable condition known as "red skins" which may occur with insufficient bleeding.

(f) PMI's shall be trained in humane methods of handling poultry.

(g) Slaughter and handling of poultry shall be performed by operators in a proper and humane manner.

(h) Each poultry slaughter establishment shall ensure that poultry handlers, slaughterers, and operators have been instructed in the humane methods of handling poultry and operating stunning and slaughter equipment before being assigned to such duties.

(i) Non-commercial stunning or anesthetizing equipment shall not be used.

NOTE: Authority cited: Sections 407 and 19501.5, Food and Agricultural Code. Reference: Sections 19501 and 19501.5, Food and Agricultural Code.

Section ~~1245.4~~ 1246.3. Method of Humane Slaughter of Poultry.

(a) The Department has determined that the following methods are acceptable and

practical humane methods for use in the stunning and slaughter of poultry.

(1) Carbon dioxide, nitrogen, and or argon used separately or in combination to produce gas-induced hypercapnea, hypoxia or anoxia.

(2) Electrical stunning.

(3) Electrocuting to cardiac arrest.

(4) Captive bolt (ostrich and rabbit only).

(5) Cervical dislocation.

(6) Carotid artery severance.

(7) Decapitation.

(8) Other methods as approved by the Department.

(b) Any of the above methods may be used in combination to effect the most humane slaughter of poultry.

(c) Each poultry slaughter establishment shall be responsible for the selection of safe equipment and the safe use of such equipment.

(d) Establishments selecting ~~the carbon dioxide and argon gas~~, electrical stunning, or electrocution methods shall install all equipment in accordance with the manufacturer's specifications, or under the supervision of a licensed engineer. Such installations shall comply with all applicable building and safety codes as specified by local and state government.

(e) Nothing in this section shall be interpreted to contradict provisions of subsections (c) and (d) of this section. Poultry shall be stunned, rendered unconscious, or killed before being bled by simultaneous severance of both carotid arteries or by decapitation. Carotid artery severance and decapitation are not approved methods of stunning.

NOTE: Authority cited: Sections 407 and 19501.5, Food and Agricultural Code. Reference: Sections 19501 and 19501.5, Food and Agricultural Code.

Section ~~1245.5~~ 1246.4. General Requirements for Gas Chambers and Auxiliary Equipment; Operator; Facilities and Procedures.

(a) The stunning area shall be adequately ventilated and the employee exposure monitored in accordance with Title 8, section 5155 of the California Code of Regulations, which is incorporated by reference. Carbon dioxide and argon ~~gas is~~ are heavier than air,

and therefore may accumulate in the stunning area.

(b) A record of the calibration and maintenance of all measuring instruments shall be available for inspection by the Department inspector or PMI. All maintenance shall be performed by qualified personnel.

(c) The carbon dioxide, nitrogen, and/or argon gas shall be administered in a chamber or, in the case of ratites, via a properly fitted mask or hood, which accomplish effective exposure of poultry. Chamber operations shall be in accordance with manufacturer's specifications and instructions.

(d) Chambers and all auxiliary equipment shall be designed to properly accommodate the species of poultry being stunned or killed.

(e) A uniform carbon dioxide, nitrogen, and/or argon gas concentration and distribution shall be maintained within the chamber to produce effective stunning. The system shall provide for mechanical agitation so that a concentration of carbon dioxide, nitrogen, and/or argon gas is sufficient to accomplish effective stunning and is uniform throughout the chamber. The poultry slaughter establishment shall sample the concentration of gas for analysis from a representative place or places within the chamber on a continuing basis.

(f) Neither carbon dioxide, nitrogen, and/or argon gas nor atmospheric air used in the chambers shall contain irritating gases.

NOTE: Authority cited: Sections 407 and 19501.5, Food and Agricultural Code. Reference: Sections 19501 and 19501.5, Food and Agricultural Code; Title 8, California Code of Regulations, section 5155.

~~Section 1245.6~~ 1246.5. Administration of Carbon Dioxide, Nitrogen, and Argon Gas; Required Effect; Handling.

Where the carbon dioxide, nitrogen, and/or argon gas mixture is used for the humane slaughter of poultry, it shall be subject to the following requirements.

(a) The poultry shall be delivered to the chamber in the transport cages or other equipment to prevent excessive handling and stress. The delivery of poultry to the chamber shall be done with a minimum of excitement and discomfort to the poultry. Delivery of calm poultry to the chamber is essential to effective and humane slaughter.

(b) The carbon dioxide, nitrogen, and/or argon gases mixture shall be administered

in a chamber or, in the case of ratites, via a properly fitted mask or hood, meeting the requirements of this section and section ~~1245.4~~ 1246.3. The poultry shall be exposed to a carbon dioxide, nitrogen, and or argon gas ratio sufficient to accomplish effective surgical anesthesia, unconsciousness or death quickly and calmly, with a minimum of excitement and discomfort to the poultry. The exposure shall produce, at a minimum, surgical anesthesia in the poultry before severing both of the carotid arteries in the neck or decapitating the poultry. To ensure adequate bleeding in each bird, bleeding shall be done immediately after stunning or killing.

NOTE: Authority cited: Sections 407 and 19501.5, Food and Agricultural Code. Reference: Sections 19501 and 19501.5, Food and Agricultural Code.

Section ~~1245.7~~ 1246.6. General Requirements for Electrical Stunning or Slaughter with Electric Current.

Where electric current is used for the humane slaughter of poultry, it shall be subject to the following requirements.

(a) All equipment shall be installed and used in accordance with the manufacturer's instructions and specifications.

(b) Only electric current application equipment with pathways, compartments, current applicators, and all auxiliary equipment designed to properly accommodate the species of poultry being anesthetized or slaughtered shall be used.

(c) The delivery of poultry to the place of application of electric current shall be done with a minimum of excitement and discomfort to the poultry in accordance with the provisions contained in these regulations.

(d) The application of electric current to stun or induce cardiac arrest shall be performed by operators so as to assure proper handling and humane application.

(e) The electric current shall be administered so as to produce effective surgical anesthesia or death with a minimum of excitement and discomfort.

NOTE: Authority cited: Sections 407 and 19501.5, Food and Agricultural Code. Reference: Sections 19501 and 19501.5, Food and Agricultural Code.

Section ~~1245.8~~ 1246.7. Electrical Stunning.

When electric current is used to stun the poultry, sufficient electric current shall be

applied to the poultry during stunning to produce a state of surgical anesthesia or unconsciousness through the completion of bleeding.

NOTE: Authority cited: Sections 407 and 19501.5, Food and Agricultural Code. Reference: Sections 19501 and 19501.5, Food and Agricultural Code.

Section ~~1245.9~~ 1246.8. Electrocution to Cardiac Arrest.

Where electrocution to cardiac arrest is used for the humane slaughter of poultry, it shall be subject to the following requirements.

(a) Poultry may be stun-killed with this method.

(b) Sufficient electric current shall be administered to the poultry, depending on size and weight of the species slaughtered, to induce cardiac arrest without the poultry regaining consciousness.

(c) The proper voltage and current setting for each lot of birds may vary due to size and weight variations. Voltage may be adjusted to a higher setting to ensure that each poultry is delivered the appropriate amount of current to induce cardiac arrest.

(d) After each poultry has been electrocuted, it shall be immediately bled by severing both carotid arteries or by decapitation to allow proper bleeding. Adequate bleeding time shall be allowed for each bird. Since electrocuted poultry does not have heart pumping action to facilitate blood loss, more time (approximately 2 to 3 minutes) should be allowed to achieve complete bleeding before being introduced to the scalding tank.

NOTE: Authority cited: Sections 407 and 19501.5, Food and Agricultural Code. Reference: Sections 19501 and 19501.5, Food and Agricultural Code.

Section ~~1245.10~~ 1246.9. Captive Bolt.

Captive bolt is an acceptable method of humane slaughter of rabbits, ostriches and other similar large birds.

(a) Where captive bolt is used as the humane method of slaughter, the captive bolt device shall be of the appropriate size for the chosen species.

(b) The captive bolt device must be properly placed so that the cerebral hemisphere and the brainstem are adequately disrupted by the penetrating bolt to cause immediate unconsciousness. Immediate bleeding must follow use of the captive bolt device.

NOTE: Authority cited: Sections 407 and 19501.5, Food and Agricultural Code. Reference: Sections 19501 and 19501.5, Food and Agricultural Code.

Section ~~1245.11~~ 1246.10. Cervical Dislocation.

Where dislocation of the neck is used as the humane method of slaughter, it shall be subject to the following requirements.

(a) Dislocation of the neck by separating the cervical vertebrae from the base of the skull shall be performed quickly to induce rapid unconsciousness with a minimum of excitement and discomfort to the poultry.

(b) Bleeding shall immediately follow cervical dislocation.

NOTE: Authority cited: Sections 407 and 19501.5, Food and Agricultural Code. Reference: Sections 19501 and 19501.5, Food and Agricultural Code.

Section ~~1245.12~~ 1246.11. Carotid Artery Severance.

Where carotid artery severance is used for the humane slaughter of poultry, it shall be subject to the following requirements.

(a) Carotid artery severance may be employed by manual or automatic means.

(b) Severing the carotid arteries shall be performed using a sharp instrument which is used to sever both carotid arteries simultaneously.

(c) Regardless of method employed, it shall be performed quickly to induce rapid unconsciousness or death with a minimum of excitement to the poultry.

NOTE: Authority cited: Sections 407 and 19501.5, Food and Agricultural Code. Reference: Sections 19501 and 19501.5, Food and Agricultural Code.

Section ~~1245.13~~ 1246.12. Decapitation.

Where decapitation is used as the humane method of poultry slaughter, it shall be subject to the following requirements.

(a) Decapitation may be achieved by manual or automatic means.

(b) Decapitation shall be performed using a sharp instrument which achieves the complete severance of the head from the body by cutting all the major vessels of the neck and the spinal cord with a sharp instrument.

(c) Regardless of the method employed, it shall cause quick and complete severance of the carotid arteries and the spinal cord.

(d) All mechanical and automatic instruments used in this method shall be sharp and inspected frequently for sharpness. The poultry slaughter establishment shall ensure that all instruments and equipment are maintained in a satisfactory manner.

NOTE: Authority cited: Sections 407 and 19501.5, Food and Agricultural Code. Reference: Sections 19501 and 19501.5, Food and Agricultural Code.

Section ~~1245.14~~ 1246.13. Training.

(a) Each licensed PMI shall be responsible for attending formal annual maintenance training provided by the Department, including, but not limited to, humane handling and slaughter of poultry.

(b) Failure of each PMI to attend annual maintenance training, as specified in ~~paragraph~~ subsection (a) of this section, shall be grounds for non-renewal, suspension, or revocation of the PMI's license.

(c) It is the responsibility of the establishment management and the licensed PMI to make arrangements in the work schedule to attend the annual maintenance training.

(d) Owners and managers shall be responsible for attending at least one scheduled departmental PMI training seminar or orientation on humane handling and slaughter of poultry procedures, as specified in ~~paragraph~~ subsection (a) of this section.

NOTE: Authority cited: Sections 407 and 19501.5, Food and Agricultural Code. Reference: Sections 19501 and 19501.5, Food and Agricultural Code.

Section ~~1245.15~~ 1246.14. Tagging of Equipment, Cages, Pens or Compartments to Prevent Inhumane Slaughter or Handling in Connection With Slaughter.

(a) When a PMI or Department inspector observes an incident of inhumane slaughter or handling in connection with slaughter they shall notify the poultry slaughter establishment management, or his or her designated representative, of the incident and request immediate corrective action. If the establishment management fails to promptly take corrective action, the inspector shall follow the procedures specified in ~~paragraph~~ subsections (b), (c), or (d) of this section, as appropriate.

(b) If the cause of inhumane treatment is the result of facility deficiencies, disrepair, or equipment breakdown, the inspector shall discontinue slaughter operations until the deficiencies have been corrected. The inspector shall attach a tag rejecting the equipment

(State of California Rejected/Retained Tag) thereto. No equipment, cage, pen or compartment so tagged shall be used until such equipment is made acceptable to the PMI or Department-inspector. All poultry slaughtered prior to such tagging may be dressed, processed, or prepared under inspection. Upon correcting the deficiency, the establishment may request reinspection of the equipment for release. If corrected deficiencies are satisfactory to the inspector, slaughter operations shall may be commenced. If release is denied on reinspection, the poultry slaughter establishment may appeal to the Chief, Meat and Poultry Inspection, for resolution of the matter.

(c) If the cause of inhumane treatment is the result of establishment employee actions in the handling or moving of poultry, the PMI or Department inspector shall attach a "State of California Rejected/Retained Tag" to the cage or cages in the stunning or killing area. After tagging, no more poultry shall be stunned or killed until the problem has been corrected. Establishment management shall be informed immediately by the PMI or Department inspector. The tag shall not be removed by anyone other than a PMI or Department inspector. All corrective actions shall be immediate. All poultry slaughtered prior to the tagging may be dressed, processed, or prepared under inspection.

(d) If the cause of inhumane treatment is the result of improper stunning, the PMI or Department inspector shall attach a "State of California Rejected/Retained Tag" to the stunning area. All slaughter operations shall be discontinued until the appropriate corrective actions have been taken. Upon satisfactory completion of corrective actions, the PMI or Department inspector shall ~~commence operations~~ remove the "State of California Rejected/Retained Tag" allowing the plant to resume operations. Management is responsible for ensuring that such infractions do not recur. The tag shall not be removed by anyone other than a PMI or Department inspector. All poultry slaughtered prior to such tagging may be dressed, processed, or prepared under inspection. Upon correcting the deficiency, the establishment may request reinspection of the equipment for release. If release is denied on reinspection, the poultry slaughter establishment may appeal to the Chief, Meat and Poultry Inspection, for resolution of the matter.

(e) Failure to comply with these regulations shall provide grounds for suspension, revocation of the PMI license, or suspension, or revocation of plant license and withdrawal of inspection by the Secretary of the Department of Food and Agriculture or his

representative after notice and opportunity for hearing.

NOTE: Authority cited: Sections 407 and 19501.5, Food and Agricultural Code. Reference: Sections 19501 and 19501.5, Food and Agricultural Code.

Section ~~1245.16~~ 1246.15. Ritualistic Slaughter.

(a) Where a method of slaughter is prescribed by Kosher or other rules of the Jewish faith, Islamic and other faiths and causes the poultry to lose consciousness through anemia of the brain resulting from the simultaneous severance of both carotid arteries with a sharp instrument, it shall be considered a humane method of slaughter.

(b) Confucian exemption may be requested by the clerical official or the responsible leader of the Chinese Benevolent Association.

~~(b)~~ (c) Exemptions for other methods of ritualistic slaughter of poultry may be obtained upon approval by the Chief, Meat and Poultry Inspection Branch while effectuating the purpose of these regulations.

(d) The official establishment requesting an exemption shall provide a letter from the clerical official having jurisdiction over the enforcement of religious dietary laws that lists the specific requirements of the Food and Agricultural Code and these regulations from which the exemption is requested and that lists the provision(s) of the religious dietary laws in support of the requested exemptions.

(e) Exemptions may be granted to the extent necessary to avoid conflict with specific religious requirements. Any person processing poultry or poultry products under such exemption shall be subject to all other applicable provisions of the Food and Agricultural Code and these regulations.

(f) The Department may terminate an exemption at any time for failure on the part of the official establishment to comply with the conditions of the exemption, including but not limited to inhumane handling and slaughter of poultry, unsanitary dressing procedures, unsanitary carcass handling, and failure to maintain the establishment in a clean and sanitary condition.

NOTE: Authority cited: Sections 407 and 19501.5, Food and Agricultural Code. Reference: Sections 19501 and 19501.5, Food and Agricultural Code.

20) Renumber Article 16 to read Article 15; amend and renumber sections 1246,

1247, 1248, 1249, 1250, 1251, 1252 and 1253 of Subchapter 1, Chapter 5, of Title 3 of the California Code of Regulations, to read as follows:

Article ~~46~~ 15. Post Mortem Inspection

Section ~~1246~~ 1247. Extent and Time of Post-Mortem Inspection.

(a) A careful post-mortem examination and inspection shall be made of the carcasses and parts thereof of all poultry slaughtered at official ~~plants~~ establishments. The post-mortem inspection shall be made on a bird-by-bird basis on all poultry eviscerated in an official establishment. No viscera or any part thereof shall be removed from any poultry processed in any official establishment, except at the time of post-mortem inspection, unless their identity with the rest of the carcass is maintained in a manner satisfactory to the inspector until such inspection is made. If a carcass is frozen, it shall be thoroughly thawed before being opened for examination by the inspector. Each carcass, or all parts comprising such carcass, shall be examined by the inspector, except for parts that are not needed for inspection purposes and are not intended for human food and are condemned. Such inspection and examination shall be made within 24 hours of the time of slaughter, except when special permission is obtained from the chief of the bureau.

(b) Conveyors shall be operated at such speeds as will permit a sanitary eviscerating operation and will permit adequate inspection for condition and wholesomeness.

(c) In order to facilitate the work of the inspector and keep the line speed at its optimum, the inspector may be furnished a trimmer or helper.

(d) Each carcass, including all parts thereof, in which there are any lesions of disease, or other condition ~~which~~ that might render such carcass or any part thereof unfit for human food, and upon which for that reason a final decision cannot be made by the inspector, shall be retained for further inspection by a qualified bureau ~~employee~~ inspector. The identity of each such carcass, including all parts thereof, shall be maintained until a final examination has been completed by affixing a "~~RETAINED~~" State of California Rejected/Retained tag. These tags shall not be removed except by an ~~poultry meat inspector or bureau employee~~.

(e) Such devices, i.e., (racks) and methods as may be approved by the chief of the bureau may be used for the temporary retention of carcasses, parts, or organs in need of

reprocessing or further inspections.

(f) Carcasses and parts found to be sound, healthful, wholesome, and fit for human food shall be passed as wholesome and marked as provided in these regulations.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 124652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code.

Section 1247.1. Abdominal and Thoracic Viscera and Giblets to Be Removed.

(a) Each carcass to be eviscerated shall be opened so as to expose the organs and the body cavity for proper examination by the inspector and shall be prepared immediately after inspection as ready-to-cook poultry.

(b) In all instances the opening cut must be made in such a way as will permit thorough inspection of the abdominal and thoracic cavities, and will permit the removal of viscera in a sanitary manner.

(c) The use of acceptable skin straps suitable for trussing the legs after carcasses have been eviscerated are permitted. A transverse cut through the abdominal wall, commonly known as the "bar cut" is not permitted, except on turkeys, capons, and old hens, providing that such operations are performed in such a manner that contamination of the inner surface of the skin strap does not occur.

(d) The giblets shall be separated from the inedible viscera immediately after removal from the body cavity, and shall be immediately cleaned, trimmed, and washed under a continuous flow or spray of water.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 124652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code.

Section 1248. Technique of Inspection.

The technique of the post-mortem inspection must conform to the following basic procedure:

(a) Right Hand Operation.

(1) Grasp one leg, run hand down leg to determine bone disease.

(2) Open body cavity to view internal surfaces.

(3) Turn body to view outside of bird (including head) for disease, abnormalities and dressing imperfections.

(b) Left Hand Operation.

(1) Place hand over liver to feel for consistency, texture and lesions, viewing simultaneously.

(2) Slip fingers around liver lobe and grasp spleen between thumb and finger, rolling spleen to determine texture and presence of abnormal growth. In case of fryers and broilers it is not necessary to roll the spleen. Simultaneously view other viscera while checking spleen. For those who find it more convenient, the left hand can be used for operations under subsection (a) and the right hand for operations under subsection (b), however, hand motions must be consistent.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code.

Section 1249. Disposal of Diseased Carcasses and Parts.

The carcasses or parts of carcasses of all poultry inspected at an official plant establishment and found at the time of post-mortem inspection, or at any subsequent inspection to be affected with any of the diseases or conditions named in other sections of this regulation shall be disposed of according to the section pertaining to the disease or condition. Owing to the fact that it is impracticable to formulate rules covering every case and to designate at just what stage a process becomes loathsome or a disease noxious, the decision as to the disposal of all carcasses, parts, or organs not specifically covered by these regulations shall be left to the poultry meat inspector. ~~or bureau employee.~~ If the inspector is in doubt concerning the disposition to be made, specimens from such carcasses may be taken by the Department for laboratory analysis and diagnosis.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code.

Section 1250. Diseases and Conditions Requiring Condemnation of Affected Carcasses.

(a) Carcasses of poultry affected with or showing lesions of any of the following-

named diseases or conditions shall be condemned:

- (1) Acute ornithosis.
- (2) Tuberculosis.
- (3) Erysipelothrix septicemia.
- (4) Salmonellosis septicemia.
- (5) Tularemia.
- (6) Anthrax.
- (7) Hemorrhage septicemia.
- (8) Pyemia.
- (9) Leukemia.
- (10) Sarcomatosis.
- (11) Metritis.
- (12) Necro-bacillosis (Smorl's disease).
- (13) Emaciation in rabbits.
- (14) Septicemia.
- (15) Toxemia.
- (16) Viremia.

(b) The lesions of septicemia, viremia and toxemia include cyanosis, hyperemia, anemia, edema, dehydration, hypertrophy, atrophy, and hemorrhagic or necrotic manifestations in any of the body structures. It must be understood that many of these processes may be reactions to local injury and do not alone necessitate condemnation of the carcasses. However, systemic reactions ~~which~~ that result in dark dehydrated musculature, doughy skin and flesh, or markedly anemic (pale) musculature shall be condemned, even though other lesions are not apparent at the time of post-mortem examination.

(c) Fowl and rabbits from pathological laboratories shall not be brought onto any official ~~plant~~ establishment premises.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 124652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code.

Section 1251. Diseases Requiring Condemnation of Carcasses or Parts, Exceptions.

(a) Carcasses of poultry affected with any of the following diseases shall be condemned, excepting that when recovery has occurred, even though localized lesions persist, or when the lesions are of such character or extent that there is no apparent systemic disturbance, the carcass may be passed for food, after removal and condemnation of affected parts:

- (1) Avian monocytosis.
- (2) Mycotic infections.
- (3) Fowl cholera.
- (4) Fowl typhoid.
- (5) Pullorum disease.
- (6) Infectious coryza.
- (7) Pseudotuberculosis.
- (8) Infectious laryngotracheitis.
- (9) Fowl pox.
- (10) Trichomoniasis.
- (11) Enterohepatitis.
- (12) Coccidiosis.
- (13) Newcastle disease.
- (14) Infectious bronchitis.
- (15) Airsac disease or chronic respiratory disease.

(b) Carcasses of poultry affected with avian leukosis complex shall be condemned.

(c) Any individual organ or part of a carcass affected by a tumor shall be condemned. When there is evidence of metastasis, or that the general condition of the carcass has been affected by the size, position, or nature of the tumor, the whole carcass shall be condemned.

(d) Carcasses of poultry showing any disease such as generalized melanosis, pseudoleukemia, and the like, which affects the system of the animal, shall be condemned.

(e) Any organ or part of a carcass which is badly bruised or which is affected by an abscess, or a suppurating sore, shall be condemned; and when the lesions are of such character or extent as to affect the whole carcass, the whole carcass shall be condemned.

Parts of a carcass ~~which~~ that show only slight reddening from a bruise, may be passed as wholesome. Parts of carcasses ~~which~~ that are contaminated by pus shall be condemned.

(f) ~~(1)~~ Any organ or part of a carcass ~~which~~ that is affected by an inflammatory process shall be condemned.

~~(2)~~ (g) All Carcasses of poultry so infected that consumption of the products thereof may give rise to food poisoning shall be condemned. This includes all carcasses showing signs of:

~~(A)~~ (1) Acute inflammation of the lungs, pleura, pericardium or peritoneum.

~~(B)~~ (2) Gangrenous or severe hemorrhagic enteritis or gastritis.

~~(C)~~ (3) Polyarthrititis and acute nephritis.

~~(D)~~ (4) Tenovaginitis.

~~(E)~~ (5) Abscess or suppurating sore if associated with general systemic disturbance.

~~(F)~~ (6) Infectious synovitis.

~~(g)~~ (h) Carcasses showing any degree of icterus with a parenchymatous degeneration of organs, the result of infection or intoxication, and those which, as a result of a pathological condition, show an intense yellow or greenish-yellow discoloration without evidence of infection or intoxication shall be condemned.

~~(h)~~ (i) Carcasses of poultry (rabbits) affected with mange or scab in advanced stages, or showing emaciation or extension of the inflammation to the flesh shall be condemned. When the diseased condition is slight, the carcass may be passed as wholesome after removal and condemnation of the affected portion.

~~(i)~~ (j) Edible organs or parts of carcasses of poultry ~~which~~ that are found to be infested with parasites, or ~~which~~ that show lesions of such infestation shall be condemned.

~~(j)~~ (k) In the disposal of carcasses and parts of carcasses of rabbits showing evidence of infestation with parasites not transmissible to man, the following general rules shall govern:

(1) If the lesions are localized in such a manner and are of such character that the parasites and the lesions caused by them may be radically removed, the nonaffected portion of the carcass, or part of the carcass may be passed as wholesome after removal and condemnation of the affected portions. Where a part of a carcass shows numerous lesions caused by parasites, or the character of the infestation is such that complete

extirpation of the parasites and lesions is difficult and uncertainly accomplished, or if the parasitic infestation or invasion renders the organ or part in any way unfit for food, the affected organ or part shall be condemned. Where parasites are found to be distributed in a carcass in such a manner, or to be of such a character that their removal and the removal of the lesions caused by them are impracticable, no part of the carcass shall be passed for food.

(2) Carcasses infested with hydatid cysts (*Echinococcus granulosus*) shall in all cases be condemned regardless of the degree of infestation.

~~(k)~~ (l) Carcasses of poultry too emaciated or anemic to produce wholesome meat, and carcasses ~~which~~ that show a slimy degeneration of the fat or a serous infiltration of the muscles shall be condemned. Mere leanness should not be classed as emaciation.

~~(l)~~ (m) Carcasses of poultry affected with gout shall be disposed of as follows:

(1) The whole carcass shall be condemned if marked deposits of urates are found in the organs or tissues, or if there is evidence of general systemic disturbance.

(2) When slight deposits of urates are found in the organs or tissues and there is no apparent systemic disturbance the carcass may be passed as wholesome, after removal and condemnation of affected parts.

NOTE: Authority cited: Sections 407, ~~and 24561, 24562, 24681, and 24991,~~ Food and Agricultural Code. Reference: Sections ~~24996, 24997, 25091-25094 and 25095~~ 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code.

Section 1252. Conditions Affecting Soundness, Requiring Condemnation of Carcasses or Parts.

(a) Carcasses or parts of poultry contaminated by volatile oils, paints, poisons, gases, or other substances ~~which~~ that affect the wholesomeness of the carcass shall be condemned.

(b) Any organ or part of a carcass ~~which~~ that has been contaminated following mutilation shall be condemned, and if the whole carcass is affected, the whole carcass shall be condemned.

(c) Carcasses of poultry deleteriously affected by post-mortem changes shall be disposed of as follows:

(1) Carcasses ~~which~~ that have reached a state of putrefaction or stinking fermentation shall be condemned.

(2) Any part of a carcass ~~which~~ that is "green struck" shall be condemned and if the carcass is so extensively affected that removal of the affected parts is impracticable, the whole carcass shall be condemned.

(3) Carcasses affected by types of post-mortem change ~~which~~ that are superficial in nature may be passed as wholesome after removal and condemnation of the affected parts.

(d) All poultry ~~which~~ that have been suffocated in any way, and poultry ~~which~~ that has entered the scalding vat alive, shall be condemned.

(e) Carcasses of poultry showing evidence of having died from causes other than slaughter shall be condemned.

(f) Carcasses of poultry ~~which~~ that have been overscalded, resulting in cooked appearance of the flesh, shall be condemned.

(g) All rabbit carcasses to be passed as ready-to-cook shall have the entire skin, feet, head and viscera removed. The kidneys, liver and heart may be left attached to the dressed carcass provided they are thoroughly cleaned.

(h) Any carcass of poultry contaminated during slaughter with digestive tract contents shall not be condemned if promptly reprocessed under the supervision of an inspector and thereafter found not to be adulterated. Contaminated surfaces that are cut shall be removed only by trimming. Contaminated inner surfaces that are not cut may be cleaned by trimming alone, or at an approved reprocessing station away from the main processing line, by any method that will remove the contamination, such as vacuuming, washing, and trimming, singly or in combination. All visible specks of contamination shall be removed, and if the inner surfaces are reprocessed other than by trimming, all surfaces of the carcass shall be treated with chlorinated water containing 20 ppm available chlorine.

(i) An area may be designated as an approved reprocessing station only if the Department determines that reprocessing operations can be conducted in that area in accordance with all of the requirements of this part, and that the reprocessing methods to be utilized are capable of removing all visible specks of contamination on the inner surface of a carcass.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 124652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code.

Section 1253. Livers Affected with Abnormal Conditions: Disposal.

(a) Livers showing any of the following pathological processes or abnormal conditions shall be condemned:

- (1) Fatty degeneration resulting in visible, well-defined light spots.
- (2) Petechial or larger areas of hemorrhages. (The typical paint brushed appearance is not considered significant.)
- (3) Petechial or larger areas of necrosis.
- (4) Inflammatory processes including abscessation.
- (5) Neoplastic tissue.
- (6) Cirrhosis.
- (7) Atrophy.
- (8) Cysts.
- (9) Discoloration due to chemical toxins, bile duct or gall bladder disorders, and/or post-mortem changes. (Parts of livers showing bile stains should be trimmed off and the affected parts condemned.)
- (10) Specific disease lesions such as enterohepatitis, leukemia, etc.
- (11) Mutilated livers ~~which~~ that have been contaminated with intestinal content in rough or careless handling in the evisceration operation or otherwise contaminated by or with extraneous substances or materials.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 124652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code.

21) Renumber Article 17 to read Article 16; amend section 1254 of Subchapter 1, Chapter 5, of Title 3 of the California Code of Regulations, to read as follows:

Article ~~17~~ 16. Denaturing and Disposing of Condemned Carcasses and Products

Section 1254. Disposition of Condemned Poultry Meat or Product.

(a) Any carcass or part or product condemned at an official ~~plant~~ establishment shall

be denatured with crude carbolic acid, kerosene, cresylic disinfectant or other prescribed agent approved by the ~~chief of the bureau~~ Department, or be destroyed by incineration under the supervision of the ~~or bureau employee~~ Department inspector.

(b) Official ~~plants~~ establishment not equipped for the proper disposition of condemned carcasses or products by incineration may dispose of such parts or products through ~~reduction or rendering~~ plants or by other means that shall not endanger human, poultry, or livestock health, after obtaining a written permit from the ~~Director of Agriculture~~ Department. When applying for such permit, the applicant shall designate the name and location of such ~~reduction or rendering~~ plant or other method of disposal whereupon, if the designated plant or method of disposal conforms with the requirements, a permit will be granted by the ~~Director of Agriculture~~ Department. Such permit may be revoked at any time when it is found that said ~~reduction or rendering~~ plant, or other method of disposal is not conducted in accordance with these regulations.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 124652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code.

22) Renumber Article 18 to read Article 17 and amend section 1255 of Subchapter 1, Chapter 5, of Title 3 of the California Code of Regulations, to read as follows:

Article ~~48~~ 17. Marking and Identifying Poultry Meat and Products

Section 1255. Approval of Abbreviations and Marks of Inspection.

(a) The ~~director~~ Department may approve and authorize the use of abbreviations of marks of inspection under these regulations. Such abbreviations shall have the same force and effect as the respective marks for which they are so authorized to be used.

(b) Except for the purpose of submitting a sample or samples of the same to the ~~director~~ Department for approval, no person shall make or prepare, or cause to be made or prepared, labels, inserts, brands, tags, or other marking devices bearing the inspection mark or any abbreviation, copy or representation thereof, for use on any poultry meat or product, without the written authority thereof of the ~~director~~ Department given in advance.

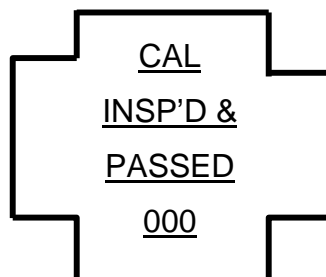
(c) Official ~~plants~~ establishment shall furnish such devices for marking products as the ~~chief of the bureau~~ Department may require. The mark of inspection on such a device

shall be a facsimile of the official mark of inspection in the form shown herewith, using the size best suited for the purpose intended:.

(1) The following official inspection mark shall be used when shown on labels of inspected and passed poultry carcasses and parts and poultry products produced in licensed poultry establishment.^{1,2}



(2) The following official inspection mark shall be used when stamped directly on inspected and passed poultry carcasses and parts. This official inspection mark shall be applied with approved edible ink.^{1,2}



¹ The number "000" is given as an example only. The establishment number of the poultry establishment where the product is prepared shall be used in lieu thereof.

² This official inspection mark shall be of sufficient size and of such color as to be conspicuously displayed and readily legible.

(d) In advance of manufacture, complete and accurate descriptions and designs of the ~~same~~ marks of inspection shall be submitted to and approved by the ~~director~~ Department.

~~(d)~~ (e) No person shall remove or cause to be removed from an official ~~plant~~ establishment any article which these regulations required to be marked in any way unless

the same is clearly and legibly marked in compliance with these regulations.

~~(e)~~ (f) All marks of inspection shall be carefully applied and securely affixed.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 124652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code.

23) Renumber Article 19 to read Article 18; amend sections 1256, 1257, 1258 and 1259 of Subchapter 1, Chapter 5, of Title 3 of the California Code of Regulations, to read as follows:

Article ~~19~~ 18. Labeling

Section 1256. Marking and Labeling Inspected Products.

(a) The inspection mark or approved abbreviation thereof, as the case may be, shall be applied to the inspected and passed edible product or to the immediate container of such product. The inspection mark, or the approved abbreviation thereof, shall, when used on packaging material, be printed on such material or on a label to be affixed to the packaging material, and the name and address of the packer or distributor of such product must be legibly printed on the packaging material or label, ~~as the case may be~~. Notwithstanding the foregoing, the name and the address of the packer or distributor, if appropriately shown elsewhere on the labeling material, may be omitted from insert labels and giblet wrappers which bear an official identification, provided, the applicable ~~plant~~ establishment number is shown.

(b) No label shall be used on any immediate or shipping container until it has been approved in its final form by the ~~director~~ Department. For the convenience of the ~~plants~~ establishments, sketches or proofs of new labels may be submitted in duplicate, with a completed MPI Form 79-080 (Rev. 12/04), Label and Formulation Approval, which is incorporated by reference, for approval and the preparation of finished labels deferred until such approval is obtained. All finished labels shall be submitted in quadruplicate, with a completed MPI Form 79-080 (Rev. 12/04), to the ~~bureau~~ Department for approval.

(c) Each trade label approved for use pursuant to Articles ~~18~~ 17 and ~~19~~ of these regulations with respect to any inspected and passed product shall bear the following information:

(1) The common or usual name of the edible product;

(2) The name and address of the packer or distributor, and when the name of the distributor is shown, it shall be qualified by such terms as "packed for," "distributed by" or "distributors";

(3) A statement of the net weight of the product;

(4) The inspection mark;

(5) The plant number of the official ~~plant~~ establishment in which the product was inspected and passed; and

(6) A statement of ingredients, if the edible product is made up of two or more ingredients; such ingredients shall be listed by their common or usual names in the order of descending proportion.

(d) A product fabricated from two or more ingredients shall bear a list of the ingredients, giving the common or usual names of the ingredients arranged in order to their predominance, except that spices may be designated as "spices" or "flavorings" and flavorings (including essential oils, oleoresin, and other spice extractives) may be designated as "flavorings" without naming each.

(e) Copies of each trade label submitted for approval pursuant to Articles 17 and 18 ~~and 19~~ of these regulations shall, when the ~~chief of the bureau~~ Department requires, be accompanied by a statement showing the kinds and percentages of the ingredients comprising the edible product with respect to which the label is used. Approximate percentages may be given in cases where the percentages of ingredients may vary from time to time, if the limits of variation are stated.

~~(f) Any trade label which is to be affixed to a container of any food product containing poultry product which is packed under the supervision of a poultry meat inspector in any official plant must bear the phrase: "The poultry product contained herein has been inspected for wholesomeness at a plant where California State supervised inspection is maintained." Each such trade label shall also be subject to the applicable provision of Articles 18 and 19 of these regulations.~~

~~(g)~~ (f) Labeling chicken parts.

(1) When labels are approved for chicken parts there is a definite way that the chicken must be cut up in order that the approved labels will be appropriate for the various parts. Chicken legs are to be thighs and drumsticks in equal numbers. The meat on the

pelvic bones (so-called oysters) must remain on the pelvic bones, if the product is to be labeled as chicken backs. The pelvic bones are not to be included with the chicken legs or chicken thighs. Chicken breasts are to have only the sternal ribs attached. This is accomplished by separating the breasts from the backs at the shoulder joint and by cutting downward and backward along the junction of the vertebral and sternal ribs. The vertebral ribs and pelvic bones would then remain to be labeled as chicken backs.

(2) Poultry packaged with a leg or wing, etc., removed from the carcass must have an insert stating "parts missing."

~~(h)~~ (g) All inserts used in conjunction with approved labeling must be submitted to the ~~bureau~~ Department for approval before using.

~~(i)~~ (h) No official identification or any abbreviation, copy or representation thereof may be affixed to or placed on or caused to be affixed to or placed on any product or container hereof except by a ~~poultry meat or bureau employee~~ Department inspector or Poultry Meat Inspector under the supervision of a ~~poultry meat inspector or bureau employee~~ Department inspector. All such products shall have been inspected and passed, and at the time of filling, shall have been sound, wholesome, and fit for human food. The inspector ~~or bureau employee~~ shall have supervision over the use and handling of all material bearing any official identification.

~~(j)~~ (i) No inspector shall authorize the use of official identification for any inspected product unless he has on file evidence that such official identification or packaging material bearing such official identification has been approved in accordance with the provisions of Articles 17 and 18 ~~and 19~~ of these regulations.

~~(k)~~ (j) Trade labels approved for use pursuant to Articles 17 and 18 ~~and 19~~ of the regulations shall be used only for the product for which approved.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 124652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code. Section 1257. Removal of Official Identification.

Official ~~plants establishments which that~~ receive United States Department of Agriculture (USDA) or State of California-inspected poultry in containers which bear any official identification shall remove or deface such official identification upon removal of such poultry from the containers.

NOTE: Authority cited: Sections 407 and 19501.5, Food and Agricultural Code. Reference: Sections 19501 and 19501.5, Food and Agricultural Code.

Section 1258. Relabeling Product - Requirements Regarding.

When it is claimed by an official ~~plant~~ establishment that some of its labeled product ~~which that~~ has been transported to a location other than an official ~~plant~~ establishment is in need of relabeling on account of the labels having become mutilated or otherwise damaged, the request for relabeling the product shall be sent to the ~~bureau~~ Department and accompanied by a statement of the reasons therefor. Labeling material intended for relabeling inspected and passed product shall not be transported from an official ~~plant~~ establishment until permission has been received from the ~~bureau~~ Department. The relabeling of inspected and passed product with official labels shall be done under the supervision of a ~~poultry meat inspector or bureau employee~~ Department inspector.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code.

Section 1259. Rescindment of Label Approvals.

Once a year, or more oftener if necessary, each official ~~plant~~ establishment ~~should~~ shall submit to the ~~chief of the bureau~~ Department, in quadruplicate, a list of approvals for labels that have become obsolete, accompanied with a statement that such approvals are no longer desired. The approvals shall be identified by the number, the date of approval, and the name of product or other designation showing the class of materials.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661 Food and Agricultural Code.

24) Renumber Article 20 to read Article 19; amend sections 1260 and 1260.1, and adopt section 1260.2 of Subchapter 1, Chapter 5, of Title 3 of the California Code of Regulations, to read as follows:

Article ~~20~~ 19. Reinspection and Preparation of Products

Section 1260. Reinspection of Products.

(a) Only inspected and passed poultry product may be brought into an official plant establishment and then only if the container of such product is marked for identification in the manner prescribed in Section 1256 (c) and the product is reinspected by a poultry meat inspector at the time it is brought into such plant establishment. Upon reinspection, if any such product or portion thereof is found to be unsound, unwholesome, or otherwise unfit for human food, such product or portion thereof, shall be condemned and shall receive such treatment as that provided in ~~§~~section 1254.

(b) Any product which is prepared under inspection in an official plant establishment shall be inspected in such plant as often as the inspector ~~or bureau employee~~ deems it necessary in order to ascertain whether ~~such~~ the product is sound, wholesome, and fit for human food at the time such product leaves such plant. Upon ~~any such~~ inspection, if any ~~such~~ of the product or portion thereof is found to be unsound, unwholesome, or otherwise unfit for human food, ~~such~~ the product or portion thereof shall be condemned and shall receive such treatment as that provided in ~~§~~section 1254. When a plant operator indicates that he wishes to salvage or endeavor to salvage portions of such product, part of which is condemnable, the ~~poultry meat inspector or bureau employee~~ shall attach a "~~retained~~" "State of California Rejected/Retained" tag thereto, notify the plant establishment operator of ~~such~~ the tagging and make necessary arrangements with the plant establishment operator so that an inspector ~~or bureau employee~~ may be present when the product so tagged is to be processed for salvage or otherwise handled. No tagged product or product in containers so tagged shall be reprocessed or removed from the plant or containers until the "retained" tag is removed by ~~a person authorized to do so~~ an inspector and the tag shall indicate the name and retained tags shall not be removed or destroyed other than by ~~persons authorized by a bureau employee~~ an inspector.

(c) All substances and ingredients used in the manufacture or preparation of any product shall be clean, sound, wholesome, and fit for human food.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code.

Section 1260.1. Standards for Poultry Meat Food Products.

~~(Section 377.5 Agricultural Code).~~

(a) Meat Content of Poultry Pies. Poultry pies, or pot pies, which are prepared from cooked meat shall contain a minimum of 14 percent (1 1/8 ounces per 8-ounce pie) of cooked deboned poultry meat. Poultry pies, or pot pies, prepared with raw meat shall contain a minimum of 25 percent (2 ounces per 8-ounce pie) of raw deboned poultry meat. Both percentages shall be exclusive of any skin, giblets, or fat ~~which~~ that may be included in the product.

(b) Canned Boned Chicken or Turkey. Canned boned chicken or turkey ~~which~~ that is prepared from cooked deboned meat shall not contain more than 10 percent added moisture. The product shall consist of deboned white and dark meat in natural proportions and may contain skin and fat not in excess of natural proportions.

(1) Canned boned poultry meat ~~which~~ that is prepared from raw boned meat in combination with cooked boned meat may have moisture added not to exceed 10 percent of the weight of cooked meat used in the product.

(2) Boned chicken or turkey prepared from raw boned meat shall have no moisture added during the preparation and canning process.

(3) If moisture is added in excess of amounts specified in this ~~paragraph~~ subsection (b), the ingredients statement on the label shall contain a statement indicating the addition of moisture, and the name of the product shall be qualified to indicate the added moisture.

NOTE: Authority cited: Sections ~~16 and 377.5~~, 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code.

Section 1260.2. Preparation and Processing Operations for Poultry Products.

Preparation and processing operations for poultry products in licensed poultry establishments shall conform to requirements pertaining to poultry products contained in sections 900 et seq., of Title 3 of the California Code of Regulations, which are incorporated by reference.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code.

25) Renumber Article 21 to read Article 20; amend section 1261 of Subchapter 1, Chapter 5, of Title 3 of the California Code of Regulations, to read as follows:

Article 24 20. Samples for Laboratory Examination

Section 1261. Samples of Products, Water, etc., May Be Taken for Examinations.

Samples of products, water, chemicals, spices, or other articles in any official ~~plant~~ establishment may be taken, without cost to the ~~bureau~~ Department, for examination as often as may be deemed necessary for the efficient conduct of the inspection.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code.

26) Renumber Article 22 to read Article 21; amend section 1262 of Subchapter 1, Chapter 5, of Title 3 of the California Code of Regulations, to read as follows:

Article 22 21. Canning

Section 1262. Poultry Meat Food Products for Canning.

Only inspected and passed product may be canned in an official ~~plant~~ establishment and such products shall be processed and handled in compliance with the following requirements:

(a) Immediate containers (whether of metal, glass or other material) shall be cleaned thoroughly by washing in an inverted position with running water of a temperature of at least 180 degrees F., or by other means acceptable to the ~~chief of the bureau~~ Department, immediately prior to filling with products; and precautions shall be taken to avoid any subsequent soilage of the inner surfaces of such containers.

(b) Only perfect closure is acceptable for hermetically sealed containers; and heat processing of the products in such containers shall follow immediately after closing.

(1) Except as provided in ~~paragraph~~ subsection (e) of this section, such products shall be so processed at such temperature and for such period of time as will insure preservation of the products under usual conditions of storage and transportation.

(2) Immediately after closing, and again after the containers have cooled sufficiently for handling after heat processing, careful examination shall be made by competent ~~plant~~ establishment employees of all containers to ascertain whether such containers are perfectly sealed. The product in such containers as are defectively closed or sealed shall,

as promptly as practicable be filled into other containers, hermetically sealed, and heat processed unless the containers are promptly placed in a cooler at a temperature not exceeding 36 degrees F. under conditions that will promptly and effectively chill them. Such chilled containers of products shall be opened and the contents removed and reprocessed immediately after removal from the cooler.

Provided, that if such containers remained in the cooler for a period of 24 hours or longer, the contents shall be inspected by an inspector prior to the reprocessing thereof. Failure to comply with the provisions of this ~~paragraph~~ subsection shall subject the products to condemnation.

(c) After heat processing, and after the containers have cooled sufficiently for handling, the containers shall be examined by competent plant employees and shall not be passed unless showing the external characteristics of sound containers, that is, there is no bulging or slack or loose tin.

(d) After heat processing, any containers of product showing characteristics of short vacuum or over-stuffed containers shall, when an inspector deems it necessary in order to determine whether spoilage of the product has taken place, be incubated under the supervision of an inspector, after which the containers shall be opened and sound products passed for food and spoiled products condemned.

(e) Products may, when authorized by the ~~chief of the bureau~~ Department, and under such conditions as he ~~the Department~~ may prescribe and approve, be canned without steam-pressure cooking, and such products, if frozen, shall be labeled "keep frozen," and if they are not frozen, they shall be labeled "perishable, keep under refrigeration."

(f) Each lot of canned products shall be identified, during the handling preparatory to heat processing, by tagging the baskets, cases, or containers with a tag which will change color on going through the heat processing, or by other effective means which will positively prevent failure to heat process.

~~(g) Facilities shall be provided to incubate at least representative samples of fully processed canned products. The incubation shall consist of holding the samples at least 10 days at about 98 degrees F. The extent to which incubation tests shall be required will depend on conditions such as efficiency of the plant in conducting canning operations, the~~

~~kind of equipment used, and the degree of efficiency at which such equipment is maintained.~~

~~(1) In the event the official plant fails to provide suitable facilities for incubation of test samples of any lot of fully processed canned products, the inspector or bureau employee may require holding of the entire lot under such conditions and for such period of time as will, in his discretion, be necessary to ascertain the stability of the product.~~

~~(2) The inspector or bureau employee may, prior to completion of any required incubation of a representative sample, permit lots of fully processed canned products to be shipped from the official plant when he has no reason to suspect unsoundness of such products; however, such shipments shall be made under circumstances which will assure the return of the products to the plant for reinspection should such action be indicated by the incubation results.~~

~~(h) All canned products, excepting those in glass, shall be plainly and permanently marked, by code or otherwise on the containers, with the identity of the contents and date of canning. If the marking is by code, its meaning shall be on record in the files of the inspector.~~

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code.

27) Renumber Article 23 to read Article 22; amend section 1263 of Subchapter 1, Chapter 5, of Title 3 of the California Code of Regulations, to read as follows:

Article ~~23~~ 22. Preparation of Uninspected Articles

Section 1263. Preparation of Animal Food or Similar Uninspected Articles in an Official Plant Establishment.

(a) When an article (including, but not being limited to, animal food) that will not be prepared for use as human food is prepared in any room or compartment in an official ~~plant~~ establishment where products are prepared or handled (such rooms or compartments being herein referred to as "edible products department"), there shall be sufficient space allotted and adequate equipment provided, so that the preparation of the article in no way

interferes with the preparation or handling of the products. Where necessary, separate equipment shall be provided for the preparation of the article. To assure the maintenance of the requisite sanitary conditions in the edible products department, the operations incident to the preparation of the article shall be subject to the same sanitary requirements as apply to the edible products department. Preparation of the article shall be limited to those hours during which the official ~~plant~~ establishment operates under the supervision of an inspector. The ingredients used in the preparation of the article shall, unless otherwise approved by the ~~chief of the bureau~~ Department, be such as may be used in the preparation of an edible product. The article may be stored in, and distributed from, the edible products department if the article is properly identified.

(b) When any article (including, but not being limited to animal food) that will not be prepared for use as human food, is prepared in any part of an official ~~plant~~ establishment other than an edible products department (such part of the plant being herein referred to as "inedible products department"), the area in which such article is prepared shall be distinctly separated from all edible products departments. Products and inedible products may be brought from any edible products department into any inedible products department, but no product or inedible product from an inedible products department may be brought into an edible products department except under such conditions as may be prescribed or approved by the ~~chief of the bureau~~ Department. Any such articles ~~as are in~~ sealed containers or handled in the manner prescribed or approved by the ~~chief of the bureau~~ Department may be brought into an edible products department. Diseased carcasses or ~~diseased~~ parts of any carcass shall not be used in the preparation of any animal food. Trucks or containers used for the transportation of products or inedible products into an inedible products department shall be cleaned before being returned to or brought into an edible products department. Sufficient space shall be allotted and adequate equipment and facilities provided so that the preparation of the article does not interfere with the preparation of products in the plant or the maintenance of the requisite sanitary conditions in the official plant. The preparation of any article shall be subject to supervision by an poultry meat inspector. ~~or bureau employee.~~

(c) The immediate container of any such article that is prepared in an official ~~plant~~ establishment shall be conspicuously labeled so as to distinguish it from human food.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code.

28) Renumber Article 24 to read Article 23 and amend section 1264 of Subchapter 1, Chapter 5, of Title 3 of the California Code of Regulations, to read as follows:

Article 24 23. Tagging Chemicals, etc., "State of California Rejected/Retained"

Section 1264. Tagging Chemicals, Cereals, Spices, etc., "State of California Rejected/Retained."

When any chemical, cereal, spice, or other substance is presented for use in an official establishment, it shall be examined by an ~~poultry meat~~ inspector or ~~bureau employee~~, and if found to be unfit or otherwise unacceptable for the use intended, or if final decision regarding acceptance is deferred pending laboratory or other examination, the inspector or ~~bureau employee~~ shall attach a "~~Retained~~" "State of California Rejected/Retained Tag" tag to the substance or container thereof. The substance so tagged shall be kept separate from other substances as the inspector may require, shall not be used until the tag is removed, and such removal shall be only by an ~~poultry meat~~ inspector or ~~bureau employee~~ after a finding that the substance can be accepted, or, in the case of an unacceptable substance, when it is removed from the ~~plant~~ establishment.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code.

29) Renumber Article 25 to read Article 24 and amend section 1265 of Subchapter 1, Chapter 5, of Title 3 of the California Code of Regulations, to read as follows:

Article 25 24. Products for Other Uses

Section 1265. Product for Educational Uses, Laboratory Examination, and Other Purposes.

When authorized by the ~~chief of the bureau~~ Department, product of special type or kind may be shipped or transported from official ~~plants~~ establishments for educational uses, laboratory examination, and other purposes.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code.

30) Renumber Article 26 to read Article 25 and amend sections 1266, 1267 and 1268 of Subchapter 1, Chapter 5, of Title 3 of the California Code of Regulations, to read as follows:

Article 26 25. Reports

Section 1266. Reports Required.

~~(Sections 375.5, 377.5, Agricultural Code).~~

(a) Poultry meat inspectors, employed as such, shall keep ~~daily~~ reports on ~~B.P.I. forms 4 (Rev.) and 5 (Rev.) and such other forms as the chief of the bureau may direct~~ MPI Form 79-060 (Rev. 12/04), Daily Report of Poultry, Rabbits, and Ratites Inspected and MPI Form 79-061 (Rev. 12/04), Monthly Summary of Poultry, Rabbits and Ratites Inspected, which are incorporated by reference.

(b) Reports required.

(1) ~~B.P.I. Form 4 (Rev.)~~ MPI Form 79-060 (Rev. 12/04).

~~(A) Official Daily Record of Poultry Post-mortem Examinations by Class.~~ The inspector will list each carcass condemned under the appropriate cause. The inspector shall complete this record in full. The ready-to-cook weight shall be secured from the management and shall include that which is chilled and/or that which is frozen. If under ordinary circumstances ~~a plant~~ an establishment received ready-to-cook poultry products for repackaging only, the poultry meat inspector shall not report these weights as certified weights on ~~B.P.I. Form 4(Rev.,~~ MPI Form 79-060 (Rev. 12/04), since these weights have already been reported at the ~~plant~~ establishment of origin. He must report in memorandum form in duplicate on any day of such operations and forward the original at the end of the month as directed by the ~~chief of the bureau~~ Department and retain one copy in the inspector's file.

~~(B) Poultry Plant Operation Log.~~ The report required on plant sanitation shall be completed in full before the start of each working day, then again before the start of the afternoon work period. ~~B.P.I. Form 4(Rev.) shall be kept on file for one year.~~

(2) ~~B.P.I. Form 5 (Rev.) Monthly Summary of Post-mortem Examination of Poultry~~

~~for Condition and Wholesomeness by Class. A separate B.P.I. Form 5(Rev.) will be completed for each "class" of poultry as listed in subparagraph (3) below. In plants with more than one evisceration line, the condemnation records will be compiled on one B.P.I. Form 5(Rev.) for each class at the end of the day. The inspector shall post the figures from B.P.I. Forms 4(Rev.) to B.P.I. 5(Rev.) daily. At the end of the month the inspector will prepare the monthly summaries, B.P.I. Forms 5(Rev.) in duplicate. At the end of the month the inspector will prepare the monthly summary, MPI Form 79-061 (Rev. 12/04), in duplicate. The inspector shall check each monthly summary with his original copies to be sure the copies are correct and mail the original as directed by the chief of the bureau Department. The inspector's copy shall be placed in the inspector's file and there held for one year. The monthly summary shall be mailed not later than the third day after the end of the month.~~

(3) The following is a list of classes for which ~~separate reports (B.P.I. Form 5 (Rev.))~~ will be made:

- (A) Chickens.
- (B) Turkeys.
- (C) Rabbits.
- (D) Other classes (guineas, squabs, pigeons, ducks, geese, pheasants, chukkars).
- (E) Ratites

(c) All forms and instructions that the poultry meat inspector may receive from the ~~bureau~~ Department shall be ~~kept under lock and key and~~ made immediately available for examination by all ~~bureau~~ Department employees inspectors making plant visits.

NOTE: Authority cited: Sections 407, 18727, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code.

Section 1267. Plants to Furnish Information for Reports.

Each official ~~plant~~ establishment shall furnish to the inspector accurate information as to all matters needed by him for making his reports pursuant to ~~S~~section 1266.

NOTE: Authority cited: Sections 407, 18727, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code.

Section 1268. Appeals from Poultry Meat Inspection Actions.

When the action of an inspector in condemning any poultry meat or product is questioned, appeal may be made to the ~~immediate supervisor~~ Area Supervisor, and from his decision appeal may be made to the ~~chief of the bureau~~ Chief, Meat and Poultry Inspection, whose decision shall be final.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code.

31) Add Article 26 and sections 1269, 1269.1 and 1269.2 to Subchapter 1, Chapter 5, of Title 3 of the California Code of Regulations, to read as follows:

Article 26. Importation of Poultry Meat into California

Section 1269. Requirements for the Importation of Poultry Products.

(a) No slaughtered poultry or parts of such products shall be imported into California unless they are healthful, wholesome, and fit for human consumption. Poultry products imported for pet food shall comply with the criteria contained in Chapter 5 (commencing with section 19200) of Part 3, Division 9, of the Food and Agricultural Code.

(b) Slaughtered poultry and parts of poultry carcasses may not be imported into California without prior approval by the Department, unless exempted under sections 24711, 24712, 24713, 24714 or 25021, 25022, 25023 and 25024 of the Food and Agricultural Code. Importation of such products into California pursuant to sections 24712 or 25022 may not be done until prior approval has been issued in writing by the Department, after the Department has determined that the origin of the products comply with sections 24712 or 25022.

(c) Approval to import poultry or poultry meat products into California pursuant to sections 24712 or 25022 of the Food and Agricultural Code is subject to substantiation that the products are inspected under a system that is at least equal to that of the State of California for that product. Substantiation must include the following items, in the English language:

(1) Written requests to import specific poultry products must be mailed to the

Department of Food and Agriculture, Meat and Poultry Inspection, 1220 N Street, Sacramento, California 95814. The written request shall contain the following information and documentation:

(A) Name, address, and the telephone number of the government entity responsible for inspecting the product at the originating establishment.

(B) A copy of the statutes, regulations, and policies that pertain to the inspection of poultry or poultry meat that is proposed for importation.

(C) A copy of the Mark of Inspection used by the inspecting authority.

(D) Certification of the potability of water used at the production facility.

(E) Documentation of ante-mortem and post-mortem inspection, if not already included in the copies of the statutes, regulations, and policies.

(F) A written statement from the appropriate inspection authority that specifies the frequency of inspection applied to the product(s) proposed for importation.

(G) A copy of the documents that will accompany the proposed shipments to verify that the product has been inspected and passed inspection.

(H) Certification from the government inspector(s) that the establishment where the products were produced is in good-standing.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Chapter 5 (commencing with section 19200 et seq.) of Part 3, Division 9, and sections 24712 and 25022, Food and Agricultural Code.

Section 1269.1. Inspection of Imported Poultry Products.

Department personnel may inspect imported poultry and poultry products on a periodic basis to determine conformity with sections 24711, 24712, 24713, 24714, 25021, 25022, 25023 and 25024 of the Food and Agricultural Code, and these regulations.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24711, 24712, 25021 and 25022, Food and Agricultural Code.

Section 1269.2. Renewal of the Approval to Imported Poultry Products.

(a) Continuation of the approval to import poultry products into California, according to the criteria set forth in sections 24712 or 25022 of the Food and Agricultural Code, is

contingent upon the following information and documentation being completed on or before the one-year anniversary date of the initial approval:

(1) Written request from the importer to continue the importation of the specified poultry products into California.

(2) Written statement from the appropriate government authority that inspects the products, which specifies that the product continues to be under inspection by that authority and the producer of the product(s) continues to be in good standing.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24711, 24712, 25021 and 25022, Food and Agricultural Code.

32) Repeal the heading of Article 30; adopt new Article 27 and amend section 1271 of Subchapter 1, Chapter 5, of Title 3 of the California Code of Regulations, to read as follows:

~~Article 30. New York Dressed Fowl~~

Article 27. Processing New York Dressed Poultry

Section 1271. ~~New York Dressed Fowl~~ Requirements for Processing New York Dressed Poultry.

(a) New York dressed poultry is defined by sections 24656 and 25407 of the Food and Agricultural Code.

(b) Approval to process New York dressed poultry in State-licensed poultry plants shall be obtained in writing from the Department of Food and Agriculture, Meat and Poultry Inspection Branch, 1220 "N" Street, Sacramento, California 95814, providing the following conditions are met:

(1) New York dressed poultry must be processed from USDA, FSIS-inspected establishments. Only federal or state-inspected poultry products shall be handled or used in the preparation of any poultry product;

(2) Must be processed and inspected within 24 hours after slaughter;

(3) A Poultry Meat Inspector, under the supervision of a Branch employee, must be on duty at all times the New York dressed poultry is processed and inspected;

(4) Any New York dressed poultry found to have any abnormality shall be trimmed and marked "US Condemned"; and,

(5) Processed and inspected New York dressed poultry shall be sold in retail at the store to customers. For purposes of these regulations, a retail store is any place of business where:

(A) Sales of products are made to consumers only;

(B) Seventy-five percent in terms of dollar value of total sales are to household consumers and the total value of sales to consumers, other than household consumers, which exceed \$500, which is automatically adjusted upward or downward based on the Consumer Price Index, of the U.S. Department of Labor, Bureau of Labor Statistics.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24656, 24711, 24712, 25021, 25022 and 25407, Food and Agricultural Code.

33) Amend and renumber sections 1269 and 1270 of Article 28 of Subchapter 1, Chapter 5, of Title 3 of the California Code of Regulations, to read as follows:

Article 28. State and Food Drug Laws

Section ~~1269~~ 1272. Food and Drug Acts.

Inspected and passed poultry meat and products shall comply with the provisions of the ~~California Pure Food Act~~ Sherman Food, Drug, and Cosmetic Laws, Part 5 of Division 104, of the Health and Safety Code in every respect.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656, 24657, 24658, 24659, 24660 and 24661 , Food and Agricultural Code.

Section ~~1270~~ 1272.1. Facsimile of Tags to Be Used by Poultry Meat Inspector.

The following sample tags are facsimiles of tags to be supplied by the ~~bureau~~ Department for the use of poultry meat inspector and ~~bureau~~ Department ~~employees~~ inspectors in tagging rooms, compartments, places, equipment, utensils, and products rejected; and products, chemicals, cereals, spices, etc., retained.

NOTE: Authority cited: Sections 407, 24561, 24562, 24681, and 24991, Food and Agricultural Code. Reference: Sections 24651, 24652, 24653, 24654, 24655, 24656,

24657, 24658, 24659, 24660 and 24661, Food and Agricultural Code.